



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

REGULAR MEETING AGENDA
 - Revised -

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

MONDAY, FEBRUARY 6, 2023, 10:00 A.M.
 COUNTY ADMINISTRATION CENTER
 1600 PACIFIC HIGHWAY, ROOM 302
 SAN DIEGO, CALIFORNIA

Chair Jim Desmond
 Vice Chair Vacant

Executive Officer Keene Simonds
 Commission Counsel Holly O. Whatley

- PLEASE NOTE NEW START TIME -

County of San Diego	Cities	City of San Diego	Special Districts	General Public
Jim Desmond	Vacant	Stephen Whitburn	Jo MacKenzie	Andy Vanderlaan
Joel Anderson	Vacant	Marni von Wilpert, Alt.	Barry Willis	Harry Mathis, Alt.
Nora Vargas, Alt.	Kristi Becker, Alt.		David A. Drake, Alt.	

San Diego LAFCO will hold the February 6, 2023 meeting in person at the County of San Diego Administration Center (1600 Pacific Highway, Room 302 in San Diego). Three-hour visitor parking is available using the Ash Street entrance.

In person attendance by the public is welcomed. The public may also watch, listen, and otherwise participate in the meeting remotely by any of the following options.

1. The public may watch and listen to the meeting live on YouTube using the link provided on our website homepage (www.sdlafco.org).
2. The public may watch, listen, and participate in the meeting by Zoom (<https://zoom.us>) or by telephone at (669) 900-9128 using Meeting/Webinar ID: 895 6767 7168 and Passcode 508649. Please use the “raise your hand” function in Zoom or push *9 by telephone if/when you wish to speak. Then wait until your name is called before speaking.
 - a) The public may provide eComments on any item by emailing to michaela.peters@sdcounty.ca.gov
 - eComments received before 8:00A.M. on Monday, February 6, 2023 will be forwarded to the Commission and posted online before the meeting. They will also be referenced during the meeting.
 - eComments received during the meeting and before the subject item is concluded will be read into the record by staff subject to the three-minute limit.

1. 10:00 A.M. – CALL TO ORDER BY CHAIR | ROLL CALL

- a) **Introduction of New Commissioner: Stephen Whitburn with City of San Diego**

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW

The Executive Officer will summarize the agenda as well as to advise of any requested changes. The Chair will also consider requests from Commissioners.

4. PUBLIC COMMENT AND RELATED REQUESTS

a) Public Comment

Opportunity for members of the public to communicate to the Commission on any subject matter within the Commission’s growth management duties/interests but not an item listed on the agenda. Each speaker’s comments may not exceed three minutes.

b) Public Requests to Discuss Consent Items

Opportunity for members of the public to request the Commission pull one or more items from the consent calendar for discussion.

5. CONSENT ITEMS

All items calendared as consent are considered ministerial or non-substantive and subject to a single motion approval. The Chair will entertain requests by Commissioners to pull any items for discussion.

a) Approval of Meeting Minutes for December 5, 2022 (action)

The Commission will consider action minutes prepared by the Commission Clerk for the December 5, 2022 regular meeting. Recommendation to approve as presented. (Pages 7-16)

b) Commission Ratification | Recorded Payments for November and December 2022 (action)

The Commission will review a report identifying all payments made and received in November and December 2022. Recommendation to ratify payments as presented. (Pages 17-26)

c) Proposed “Briggs-Cooper Crest Road Change of Organization” | Annexation to the Leucadia Wastewater District (CO22-14) (action)

The Commission will consider a change of organization proposal filed by the Leucadia Wastewater District to annex 2.9 acres of incorporated territory within its sphere of influence. The affected territory involves one legal parcel in the City of Encinitas presently developed with a single-family residence. Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act. The County Assessor’s Office identifies the subject parcel as 264-222-24. (Pages 27-70)

d) Proposed “Stits-Eolus Avenue Change of Organization” | Annexation to the Leucadia Wastewater District (CO22-13) (action)

The Commission will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 0.84 acres of incorporated territory within its sphere of influence. The affected territory as submitted comprises one legal parcel in the City of Encinitas presently developed with a single-family residence along with a portion of the adjacent public right-of-way. Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act. The County Assessor’s Office identifies the subject parcel as 254-382-18. (Pages 71-114)

CONSENT ITEMS CONTINUED...

e) Budget Update for 2022-2023 |

2nd Quarter Actuals with Year-End Projections (action)

The Commission will review a report comparing budgeted and actual transactions through the second quarter of 2022-2023 and related analysis. The report projects the Commission will finish with a net surplus of \$0.045 million or 2.0%. Recommendation to receive and file. (Pages 115-120)

f) Report on Active Proposals and Related Activities (information)

The Commission will receive a status report on the 24 active proposals currently on file with LAFCO. Information only. (Pages 121-134)

6. PUBLIC HEARING ITEMS |

COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Public hearing items require expanded public notification per provisions in State law or have been voluntarily scheduled by the Executive Officer to ensure opportunity for public input. All public hearing items require verbal disclosures by Commissions regarding any material communications.

a) Proposed “Weston Boundary Change Cleanup Reorganization” |

Boundary Adjustments Involving City of San Diego, City of Santee, Padre Dam Municipal Water District and County Service Area No. 135 with Sphere Amendments” (RO22-05) (action)

The Commission will consider a reorganization proposal filed by the City of Santee with the primary action involving multiple boundary adjustments – annexations and detachments – between Santee and City of San Diego. Secondary boundary adjustments are also proposed involving two overlapping special districts, County Service Area No. 135 and Padre Dam Municipal Water District. The affected territory as proposed is 5.3 acres in size, comprises 26 non-contiguous areas, and includes all or portions of 30 assessor parcels as well as public right-of-way segments associated with the “Weston” residential subdivision in Santee. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission waive protest proceedings along with making exemption findings as both lead (spheres) and responsible (boundaries) agencies under the California Environmental Quality Act. A listing of all assessor parcels is available. (Pages 135-266)

7. BUSINESS CALENDAR

Business items involve regulatory, planning, or other items that do not require a noticed hearing.

a) CONTINUED: Proposed “Pastrana-Artesian Road Change of Organization” |

Annexation to Rancho Santa Fe Community Services District and Related Negative Declaration under California Environmental Quality Act (CO22-02) (action)

The Commission will consider a change of organization initiated by a landowner to annex approximately 10.0 acres of unincorporated territory to the Rancho Santa Fe Community Service District. The annexation is specific to extending public wastewater services; other District services – security, underground utilities, and landscape maintenance – are not part of the proposal. The affected territory as submitted comprises one entire parcel currently undeveloped in the unincorporated community of Rancho Santa Fe. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. It is also recommended the Commission adopt a negative declaration as lead agency consistent with the findings of an initial study prepared by LAFCO staff. The County Assessor’s Office identifies the subject parcel as 267-145-02. (Pages 267-358)

BUSINESS ITEMS CONTINUED...

b) Proposed Policy Update on Municipal Service Reviews (discussion)

The Commission will consider approving a policy update guiding municipal service review activities. The proposed update returns to the Commission substantively intact following its draft presentation in October 2022 and subsequent public review and comment period. The update is part of the adopted workplan and represents a comprehensive revision to reflect current and best practices. This includes making explicit the sequential role of the municipal service review in determining the appropriateness of proceeding with subsequent sphere of influence changes. Establishing community engagement measures are also reflected and done so at the earlier direction of the Commission. Staff recommends the Commission approve the proposed policy update with any changes along with setting the effective to April 6, 2023. (Pages 359-372)

c) Quarterly Report on Adopted Workplan & Proposed Amendments (action)

The Commission will receive a quarterly report on the adopted workplan for 2022-2023. Work through the second quarter shows exactly two-thirds of the 30 targeted projects for the fiscal year have been initiated in some substantive manner with one already complete and six others nearing their completion. The quarterly report is being presented to the Commission to discuss and provide feedback in step with formal filing. The Commission will also consider two related amendments that are headlined by the proposed addition of an informational report to evaluate governance options to expand the public’s recreational use of local reservoirs in unincorporated areas. This addition is consistent with an earlier request from Commissioners Anderson and Desmond and has the support of the City of San Diego Mayor’s Office. (Pages 373-382)

d) Chair and Vice Chair Appointments

The Commission will consider making officer appointments and select a chair and vice chair consistent with adopted policy. (Pages 383-384)

8. COMMENDATIONS

9. EXECUTIVE OFFICER REPORT

10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

11. CLOSED SESSION

None

12. ADJOURNMENT TO NEXT MEETING

March 6, 2023

Attest to Posting:



Tamaron Lockett
Commission Clerk

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

5a

AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Tamaron Lockett, Commission Clerk

SUBJECT: **Approval of Meeting Minutes |
 Regular Meeting of December 5, 2022**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider draft minutes prepared for the regular meeting held on December 5, 2022. The minutes are in action-form and being presented for formal Commission approval.

BACKGROUND

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and – among other items – requires public agencies to maintain written minutes for qualifying meetings.

DISCUSSION

This item is for San Diego LAFCO to consider approving action minutes for the December 5, 2022, regular meeting. The attendance record for the meeting follows.

- All regular Commissioners were present except Jim Desmond (County of San Diego), Paul McNamara (City of Escondido), and Mary Salas (City of Chula Vista).
- All alternate Commissioners were present except Nora Vargas (County of San Diego) and Marni von Wilpert (City of San Diego).

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	Chair Jim Desmond County of San Diego	Vacant City Selection Committee	Stephen Whitburn City of San Diego	Jo MacKenzie Vista Irrigation	Andy Vanderlaan General Public
	Joel Anderson County of San Diego	Vacant City Selection Committee	Marni von Wilpert, Alt. City of San Diego	Barry Willis Alpine Fire Protection	Harry Mathis, Alt. General Public
	Nora Vargas, Alt. County of San Diego	Kristi Becker, Alt. City of Solana Beach		David Drake, Alt. Rincon del Diablo	

ANALYSIS

The attached draft minutes for the December 5, 2022, regular meeting accurately reflect San Diego LAFCO's deliberations as recorded by the Commission Clerk. A video recording of the meeting has also been posted on the Commission's website (www.sdlafco.org).

RECOMMENDATION

It is recommended San Diego LAFCO approve the draft minutes prepared for the December 5, 2022, regular meeting as presented. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the attached draft minutes prepared for the December 5, 2022 with any desired corrections or clarifications.

Alternative Two:

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

PROCEDURES

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 as provided unless otherwise specified by the Commission.

Respectfully,



Tameron Luckett
Commission Clerk

Attachment:

- 1) Draft Meeting Minutes for December 5, 2022

**DRAFT MINUTES
SAN DIEGO LAFCO
December 5, 2022 REGULAR MEETING**

1. CALL TO ORDER BY CHAIR

Item 1

ROLL CALL

The regular meeting was called to order at 9:00 a.m. by Acting Chair Vanderlaan serving in place of Chair Desmond and Vice Chair McNamara. The Commission Clerk performed the roll call with the following attendance recorded.

Regulars Present: Joel Anderson, County of San Diego
 Chris Cate, City of San Diego
 Jo MacKenzie, Vista Irrigation District
 Andy Vanderlaan, Public
 Barry Willis, Alpine Fire Protection District

Alternates Present: Kristi Becker, City of Solana Beach (Voting)
 David Drake, Rincon del Diablo Municipal Water District
 Harry Mathis, Public

Members Absent: Jim Desmond, County of San Diego (CHAIR)
 Paul McNamara, City of Escondido (VICE CHAIR)
 Mary Salas, City of Chula Vista
 Nora Vargas, County of San Diego (alternate)
 Marni von Wilpert, City of San Diego (alternate)

The Commission Clerk confirmed a quorum was present with six voting members present with Alternate Commissioner Becker voting in absence of Commissioner Salas. Also present at the time of roll call were the following LAFCO staff members: Executive Officer Keene Simonds; Commission Counsel Holly Whatley; Local Government Analyst II Priscilla Mumpower; Local Government Analyst I Carolanne Ieromnimon; GIS/IT Analyst Dieu Ngu; Administrative Assistant Michaela Peters; and Commission Clerk Tamaron Lockett.

2. PLEDGE OF ALLEGIANCE

Commissioner Cate led the Pledge of Allegiance.

3. AGENDA REVIEW

Acting Chair Vanderlaan asked the Executive Officer if there were requests to remove or rearrange items on the agenda. The Executive Officer noted one adjustment to the final agenda as circulated the following week and involves opening Item No. 7a for the limited purpose of receiving any public comments and proceeding to continue the item without Commission discussion to the next meeting. The Executive Officer also provided instructions for members of the public attending by phone or video with respect to providing comments.

4. PUBLIC COMMENT AND RELATED REQUESTS

Item 4a

Public Comment

Acting Chair Vanderlaan invited anyone from the public to address the Commission on a matter not directly related to an agenda item. Comments were received from the following persons:

- Diane Hansen, Palomar Health
- Dr. Gene Ma, Tri-City Healthcare District

The Administrative Assistant confirmed there were no live e-mail received.

Item 4b

Public Requests to Discuss Consent Items

Acting Chair Vanderlaan invited the public to request discussion on any agenda item from the consent calendar. The Commission Clerk confirmed there were no registered requests from in-room attendees. The Administrative Assistant also confirmed there were no e-mail requests.

5. CONSENT ITEMS

Item 5a

Approval of Meeting Minutes for November 7, 2022

Item presented to approve draft action minutes prepared for the Commission's November 7, 2022 regular meeting. Recommendation to approve.

Item 5b

Commission Ratification | Recorded Payments for October 2022

Item presented to ratify recorded payments made and received by the Executive Officer for the month of October 2022. Recommendation to ratify.

Item 5c

Proposed "Farkas-Felicita Road Reorganization" | Concurrent Annexation to the City of Escondido and Detachment from County Service Area No. 135 and Related Actions (RO22-06)

Item presented to consider a reorganization initiated by a landowner with the principal action to annex 0.4 acres of unincorporated territory to the City of Escondido. The reorganization involves a concurrent detachment from County Service Area No. 135 and its regional communication service function. Recommendation to conditionally approve removal of affected territory from Rincon del Diablo Municipal Water District's authorized fire protection and emergency medical service area (Improvement District E) along with waiving protest proceedings and making an exemption finding under the California Environmental Quality Act.

CONSENT ITEMS CONTINUED...

Item 5d

Protest Hearing Results | “County Service Area No. 69 Reorganization”

Item presented to formally receive the results of the protest hearing held for the “County Service Area No. 69 Reorganization.” The proposal was conditionally approved by the Commission in October 2022 for the dissolution of CSA No. 69 and its ambulance transport function and proportional designation of the City of Santee and Lakeside Fire Protection District as successor agencies with an ancillary annexation. The protest hearing was held on November 18th without written opposition from affected landowners or registered voters.

Item 5e

Progress Report on Adopted Workplan

Item present to receive a progress report on specific projects included in the adopted workplan for 2022-2023. Recommendation to receive and file.

Item 5f

Conducting Regular Meetings | Approval of 2023 Meeting Calendar and Amendment to Change the Meeting Start Time from 9:00 A.M. to 10:00 A.M. Report on Active Proposals and Related Activities Report on Active Proposals and Related Activities

Item presented to consider approving a regular meeting schedule for the 2023 calendar year. Recommendation to approve regular meetings on the first Monday of each month except for January, July, and September and amend the adopted policy Rule II to change the regular meetings from 9:00 A.M. to 10:00 A.M. to accommodate later start time for public schools.

Item 5g

Commission Terms

Item presented to receive its annual report on individual Commissioner terms. Six terms are set to expire in April 2023 two special districts (regular and alternate) and one public (alternative). Information only.

Item 5h

Report on Active Proposals and Related Activities

Item presented to receive a status report on the active proposals on file with LAFCO. Information only.

Commissioner Anderson motioned with a second from Commissioner Cate to approve the consent calendar items with staff recommendations (Alternative One) as presented.

Roll call requested:

AYES:	Anderson, Becker (voting), Cate, MacKenzie, Vanderlaan, and Willis
NOES:	None
ABSENT:	Desmond, McNamara, Salas, Vargas and von Wilpert
ABSTAINING:	None

The Commission Clerk confirms the motion was approved 6-0.

6. PUBLIC HEARING ITEM | COMMISSIONER DISCLOSURE OF EX PARTE COMMUNICATIONS

Item 6a

Proposed Sphere of Influence Updates for the Escondido Region | City of Escondido, Rincon del Diablo Municipal Water District, and the Deer Springs Fire Protection District

Item presented to consider approving sphere of influence updates for the three affected agencies in the Escondido region under the Commission's oversight. The updates are being presented as part of the Commission's five-year study requirement and informed by the recent completion of a regional municipal service review. Recommendation to affirm two of the three agencies' – Deer Springs Fire Protection District and Rincon del Diablo Municipal Water District sphere without changes. Separate recommendation to update the City of Escondido sphere to remove 1,090 unincorporated acres along the northern perimeter to better align with parcel lines and other geographic markers along with establishing two special study areas.

Acting Chair Vanderlaan invited any disclosures from Commissioners on material ex parte communications. No disclosures reported.

Acting Chair Vanderlaan asked for the staff presentation. Analyst II Priscila Mumpower proceeded with the staff presentation and detailed the recommendations.

Acting Chair Vanderlaan proceeded to open the public hearing and invited comments by speakers to address the Commission.

The Commission Clerk proceeded to invite the following registered speakers to address the Commission:

- Haney Hong with San Diego Taxpayer Association (Support)
- Laura Hunter with Sierra Club North County Group (Oppose)*
- Dan Silver with Endangered Habitats League (Oppose)*

* Comments received by video.

The Administrative Assistant confirmed there was one live e-mail comment received from Don Underwood and proceeded to read it into the record.

Acting Chair Vanderlaan invited Commissioner comments.

Commission discussion followed.

Acting Chair Vanderlaan proceeded to close the public hearing.

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PUBLIC HEARING ITEM CONTINUED...

Item 6a Continued

Commissioner Cate motioned to approve the staff recommendation (Alternative One) as listed in the agenda report with a second from Commissioner Willis.

Roll call requested:

AYES: Anderson, Becker (voting), Cate, MacKenzie, Vanderlaan, and Willis
NOES: None
ABSENT: Desmond, McNamara, Salas, Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 6-0.

7. BUSINESS ITEMS

Item 7a

Proposed “Pastrana-Artesian Road Change of Organization” | Annexation to Rancho Santa Fe Community Services District and Related Negative Declaration under California Environmental Quality Act (CO22-02)

Item presented to consider a change of organization initiated by a landowner to annex approximately 10.0 acres of unincorporated territory to the Rancho Santa Fe Community Service District. The annexation is specific to extending public wastewater services; other District services – security, underground utilities, and landscape maintenance – are not part of the proposal. The affected territory as submitted comprises one entire parcel currently undeveloped in the unincorporated community of Rancho Santa Fe. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. A negative declaration is also presented for adoption finding the project will not have a significant effect on the environment consistent with recommendations of an initial study.

The Executive Officer requested the Commission check for any public comments and proceed to continue the item without discussion to the next meeting. The Executive Officer noted the continuance would accommodate a request received prior to the meeting from the Rincon Tribe requesting consultation on the environmental document as allowed under statute.

Acting Chair Vanderlaan invited anyone from the public to address the Commission. The Commission Clerk confirmed there were no registered speakers. The Administrative Assistant also confirmed there were no live e-mail comments received on the item.

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BUSINESS CALENDAR CONTINUED...

Item 7a Continued

Commissioner Willis motioned to continue the item to the next meeting with a second from Alternate Commissioner Becker.

Roll call requested:

AYES: Anderson, Becker (voting), Cate, MacKenzie, Vanderlaan, and Willis
NOES: None
ABSENT: Desmond, McNamara, Salas, Vargas and von Wilpert
ABSTAINING: None

Item 7b Legislative Report

Item presented to receive a report on items of interest to the Commission and its regulatory and planning responsibilities under State law with the close of the most recent legislative session. This includes summarizing Senate Bill 938 and its successful passage to streamline and otherwise improve LAFCO protest hearings. The report also previews topics of interest heading into the next legislative session, including continued work on advancing an amendment to clarify exemption allowances involving out-of-agency services.

Acting Chair Vanderlaan asked for the staff presentation. Analyst Priscilla Mumpower summarized the report and key developments.

Acting Chair Vanderlaan invited anyone from the public to address the Commission. The Commission Clerk confirmed there were no registered speakers. The Administrative Assistant also confirmed there were no live e-mail comments received on the item.

Acting Chair Vanderlaan invited Commissioner comments.

Commission discussion followed.

Item 7c Fee Waiver Request | Proposed “Borrego Springs Fire Protection District Reorganization”

Item presented to consider a request from Borrego Springs Fire Protection District to waive all fees associated with its recent proposal filing to dissolve and transfer responsibilities via annexation to the San Diego County Fire Protection District. The fee waiver is \$24,563 assuming any potential Commission approval is not subject to voter approval. Recommendation approval of the fee waiver along with authorizing a corresponding transfer of assigned monies from the fund balance.

Acting Chair Vanderlaan asked for the staff presentation. Analyst Carolanne Ieromnimon proceeded with the presentation and recommendations.

Acting Chair Vanderlaan invited anyone from the public to address the Commission.

BUSINESS ITEMS CONTINUED...

Item 7c Continued

The Commission Clerk confirmed there were two registered speakers. Comments were received from the following persons:

- Haney Hong with San Diego Taxpayer Association (support)
- Jeff Collins with San Diego County Fire Protection District (support)

The Administrative Assistant confirmed there were no live e-mail comments received on the item.

Acting Chair Vanderlaan invited Commissioner comments.

No discussion followed.

Commissioner Willis motioned to approve staff recommendations (Alternative One) with a second from Commissioner Anderson.

Roll call requested:

AYES: Anderson, Becker (voting), Cate, MacKenzie, Vanderlaan, and Willis
NOES: None
ABSENT: Desmond, McNamara, Salas, Vargas and von Wilpert
ABSTAINING: None

The Commission Clerk confirms the motion was approved 6-0.

8. COMMENDATIONS

Executive Officer Keene Simonds acknowledged and thanked Commissioners Cate, McNamara, and Salas for their services with LAFCO. Commissioner Cate thanked the Commission for the opportunity to serve and wished the agency well going forward.

9. EXECUTIVE OFFICER REPORT

- Executive Officer noted that LAFCO will be hosting their Holiday event on December 19th.

10. COMMISSIONER ANNOUNCEMENTS | REQUESTS FOR FUTURE ITEMS

- Anderson noted a correspondence will be sent to LAFCO to consider evaluating governance options to increase public recreational opportunities involving local water reservoirs in the unincorporated areas.
- MacKenzie noted her interest in receiving an update on the Palomar item.

11. CLOSED SESSION

None

12. ADJOURNMENT TO NEXT MEETING

With no further business the Acting Chair adjourned the meeting at 10:28 a.m.

I hereby attest the minutes above accurately reflect the deliberations of the Commission at its December 5, 2022 hybrid/videoconference meeting.

ATTEST,



Tamaron Lockett
Commission Clerk



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

5b

AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Erica Blom, Executive Assistant
 Michaela Peters, Administrative Assistant

**SUBJECT: Commission Ratification |
 Recorded Payments for November and December 2022**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a report identifying payments made and received between November and December 2022. The payments cover all recorded transactions for the two-month period and include \$0.345 million in total distributions made by the Executive Officer. Close to two-thirds of these payments are tied to the County of San Diego for payroll reimbursements as well as charges for general overhead and information technology services. The payments received total \$0.065 million with nearly one-half tied to grant payments for work performed to date.

BACKGROUND

Accounting Policies and Procedures

San Diego LAFCO’s policies provide direction to the Executive Officer to maintain appropriate accounting controls for all financial transactions on behalf of the Commission. Spending allowances are specified and include bid procedures for financial transactions at or above \$10,000 (unless waived due to unique circumstances) and separate Commission approval for any transactions at or above \$125,000.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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DISCUSSION

This item is for San Diego LAFCO to consider ratification of all payments made and received by the Executive Officer between November and December 2022. A detailing of these transactions is provided in Attachments One (November) and Two (December). The item separately provides the Commission the opportunity to provide feedback and inform potential changes in accounting procedures going forward.

ANALYSIS

San Diego LAFCO's recorded payments made by the Executive Officer between November and December 2022 total \$344,621 with 62% – or \$215,158 – tied to transactions with the County of San Diego. This includes payroll reimbursements covering two payperiods as well as expenses for general overhead and information technology services. All expenses are consistent with the adopted budget with the qualification additional consultant costs are being expended in lieu of filling an open analyst position. Revenues collected total \$64,564 and largely involve grant payments and with fees associated with two new proposal filings.

RECOMMENDATION

It is recommended San Diego LAFCO ratify the payments made and received by the Executive Officer for November and December 2022 as presented. This recommendation is consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Ratify the recorded payments received and made by the Executive Officer between November and December 2022 as shown in Attachments One and Two.

Alternative Two:

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

Alternative Three

Take no action.¹

¹ Payment ratifications are not required under LAFCO policy but are presented to the Commission per practice.

PROCEDURES

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 by the Commission.

On behalf of the Executive Officer:

A handwritten signature in blue ink that reads "Erica A. Blom". The signature is written in a cursive style.

Erica Blom
Executive Assistant

Attachments:

- 1) Recorded Transactions in November 2022
- 2) Recorded Transaction in December 2022

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SAN DIEGO LAFCO
Expenses by Vendor Detail
 November 2022

Payable Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E Ace Parking						
	11/2/2022	52530 · Office Lease	1,080.00	Monthly Parking Rent	electronic	1000 · County Account (44595)
E After Effects (Adobe)						
	11/13/2022	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	11/15/2022	52270 · Memberships	14.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			35.98			
E Amazon						
	11/15/2022	52330 · Office Expense	843.53	Miscellaneous Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
E Ambius						
	11/9/2022	52370.J · Professional Services	109.94	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E ARCC (Assessor Recorder County)						
	11/9/2022	52490 · Publications	50.00	NOE Fee Tioidi-Jonel Way (CO22-15)	check	3558 · SDCCU Checking
	11/9/2022	52490 · Publications	50.00	NOE Fee Felicita Road-Elliot (RO21-08)	check	3558 · SDCCU Checking
			100.00			
E AT&T Mobility						
	11/2/2022	52074 · Telecommunications	628.00	Monthly Cell Phone + partial December payment LAFCO Staff	check	3558 · SDCCU Checking
E Billing Hostway						
	11/24/2022	52370.E · Professional Services	269.40	Annual Website Hosting	debit card	3558 · SDCCU Checking
E Blue Barn Creative LLC						
	11/23/2022	52370 · Professional Services	1,250.00	Video Recording Services	electronic	1000 · County Account (44595)
E Brian J. Brady						
	11/21/2022	52370.F · Professional Services	1,960.00	Consultant Services MSRs	electronic	1000 · County Account (44595)
E Chase Design Inc						
	11/21/2022	52334 · Printing	1,200.00	RMWD/FPUD & Escondido Addendum MSRs	electronic	1000 · County Account (44595)
E Claim Jumper						
	11/9/2022	52610 · Non-Travel/In-County	58.28	EO Debriefing with Legal Counsel & BW	debit card	3558 · SDCCU Checking
E Colantuono, Highsmith & Whatley						
	11/4/2022	52370.B · Professional Services	4,157.00	Legal Services	electronic	1000 · County Account (44595)
E County of San Diego						
	11/1/2022	52354 · Mail/Postage ISF	1,198.77	Mail/Postage Services	electronic	1000 · County Account (44595)
	11/1/2022	52178 · Vehicle Maintenance	118.90	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	11/1/2022	52182 · Vehicle Fuel	39.94	Vehicle Fuel	electronic	1000 · County Account (44595)
	11/1/2022	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	11/1/2022	52721 et al. · Communications (IT) Services	8,113.03	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	11/3/2022	52504 · Equipment Rental	2.28	County Surcharge Xerox	electronic	1000 · County Account (44595)
	11/10/2022	51110 et al. · Employee Payroll	45,782.80	Payroll Pay Period 2023-10	electronic	1000 · County Account (44595)
	11/23/2022	51110 et al. · Employee Payroll	45,921.31	Payroll Pay Period 2023-11	electronic	1000 · County Account (44595)
	11/30/2022	52550.B · County Overhead Costs	16.44	County Surcharge A-87 1st Quarter	electronic	1000 · County Account (44595)
	11/30/2022	52550.B · County Overhead Costs	7,841.38	A-87 2nd Quarter	electronic	1000 · County Account (44595)
			109,200.34			
E Etsy						
	11/17/2022	52330 · Office Expense	180.99	Service Reconciliation: Commissioners Cate, McNamara & Salas	debit card	3558 · SDCCU Checking
E Fax Plus						
	11/8/2022	52330 · Office Expense	6.11	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
E Grubhub						
	11/1/2022	52610 · Non-Travel/In-County	30.63	Team Breakfast	debit card	3558 · SDCCU Checking
E Jo Ann MacKenzie						
	11/2/2022	52622 · Training/Registration Out of County	442.04	CALAFCO Conference Travel Reimbursements	check	3558 · SDCCU Checking
E LAZ Parking						
	11/17/2022	52610 · Non-Travel/In-County	15.00	Parking for EO (Grand Jury)	debit card	3558 · SDCCU Checking
E LZH Consulting LLC						
	11/2/2022	52370.F · Professional Services	8,625.00	Consultant Services MSRs	electronic	1000 · County Account (44595)
	11/23/2022	52370.F · Professional Services	7,468.75	Consultant Services MSRs	electronic	1000 · County Account (44595)
			16,093.75			
E Manchester Financial 5th Avenue LP						
	11/2/2022	52530 · Office Lease	10,580.79	Office & Storage Rent	electronic	1000 · County Account (44595)
E Price Self Storage						
	11/18/2022	52504 · Equipment Rental	111.00	Storage Unit Monthly Payment	credit card	3558-60 · SDCCU Visa Credit Card

SAN DIEGO LAFCO
Expenses by Vendor Detail
November 2022

Payable Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E Ready Refresh Water						
	11/25/2022	52330 · Office Expense	52.94	Monthly Water Service	credit card	3558-60 · SDCCU Visa Credit Card
E Resupply						
	11/1/2022	52330 · Office Expense	159.72	Pickup Fee for Canon Copier	debit card	3558 · SDCCU Checking
E San Diego Union Tribune						
	11/30/2022	52490 · Publications	3,626.00	PHNs for CSA No. 69 Reorg (RO22-01) & Mar Vista (RO21-04)	check	3558 · SDCCU Checking
E Stephen Abbott						
	11/21/2022	52370.F · Professional Services	1,200.00	Consultant Services MSR & Fire	electronic	1000 · County Account (44595)
E The Market Place						
	11/9/2022	52330 · Office Expense	5.29	Coffee Creamer	debit card	3558 · SDCCU Checking
	11/17/2022	52330 · Office Expense	9.74	Office Supplies	debit card	3558 · SDCCU Checking
			15.03			
E The Toll Roads						
	11/22/2022	52610 · Non-Travel/In-County	1.49	Tolls	debit card	3558 · SDCCU Checking
E The Westbean Coffee						
	11/18/2022	52610 · Non-Travel/In-County	16.97	EO Debriefing with PM & AW	debit card	3558 · SDCCU Checking
E USPS						
	11/15/2022	52332 · Postage	22.00	Agenda postage to JM	debit card	3558 · SDCCU Checking
E Xerox						
	11/9/2022	52504 · Equipment Rental	368.15	Xerox Rental	electronic	1000 · County Account (44595)
E Zazzle						
	11/11/2022	52330 · Office Expense	111.29	Office Mugs	credit card	3558-60 · SDCCU Visa Credit Card
	11/22/2022	52330 · Office Expense	85.11	LAFCO Iron-on Patches	credit card	3558-60 · SDCCU Visa Credit Card
			196.40			
E Zoom						
	11/4/2022	52270 · Memberships	14.99	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	11/11/2022	52270 · Memberships	149.90	Zoom Webinar Upgrade	credit card	3558-60 · SDCCU Visa Credit Card
	11/13/2022	52270 · Memberships	14.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			179.88			
EXPENSE TOTAL			154,191.36			
R D&D Landholdings						
	11/15/2022	46234 · Applications	6,405.00	LAFCO Processing Fees (CO22-20)	check	3558 · SDCCU Checking
R Leucadia WWD						
	11/15/2022	46234 · Applications	6,405.00	LAFCO Processing Fees (CO22-18)	check	3558 · SDCCU Checking
R State of California						
	11/16/2022	45281 · State Aid Agriculture	33,406.90	SALC Grant	check	1000 · County Account (44595)
REVENUE TOTAL			45,216.90			

SAN DIEGO LAFCO
Expenses by Vendor Detail
 December 2022

Payable Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E Ace Parking						
	12/28/2022	52530 · Office Lease	2,160.00	Monthly Parking Rent (Two Months) & Parking Validations	electronic	1000 · County Account (44595)
E ADW Consulting LLC						
	12/2/2022	52370.F · Professional Services	9,975.00	Consultant Services Planning	electronic	1000 · County Account (44595)
	12/28/2022	52370.F · Professional Services	9,750.00	Consultant Services Planning	electronic	1000 · County Account (44595)
	12/28/2022	52304 · Miscellaneous Expense	3,562.50	SALC Grant Services	electronic	1000 · County Account (44595)
			<u>23,287.50</u>			
E After Effects (Adobe)						
	12/11/2022	52270 · Memberships	20.99	Monthly Video Editing Software Subscription	credit card	3558-60 · SDCCU Visa Credit Card
	12/15/2022	52270 · Memberships	14.99	Monthly Adobe DC Pro Upgrade	debit card	3558 · SDCCU Checking
			<u>35.98</u>			
E Amazon						
	12/1/2022	52330 · Office Expense	9.69	Miscellaneous Office Supplies	credit card	3558-60 · SDCCU Visa Credit Card
	12/7/2022	52330 · Office Expense	312.70	Seasonal Decorations	credit card	3558-60 · SDCCU Visa Credit Card
	12/11/2022	52330 · Office Expense	87.52	Holiday Gathering	credit card	3558-60 · SDCCU Visa Credit Card
	12/18/2022	52330 · Office Expense	200.00	Holiday Gift Cards for Office Security	credit card	3558-60 · SDCCU Visa Credit Card
			<u>609.91</u>			
E Ambius						
	12/13/2022	52370.J · Professional Services	109.94	Monthly Service for Office Plants	check	3558 · SDCCU Checking
E APA						
	12/20/2022	52270 · Memberships	628.00	Annual Membership for KS	check	3558 · SDCCU Checking
E ARCC (Assessor Recorder County)						
	12/20/2022	52490 · Publications	50.00	NOE Fee Farkas-Felicita (RO22-06)	check	3558 · SDCCU Checking
	12/20/2022	52490 · Publications	50.00	NOE Fee Escondido MSR Addendum Part II	check	3558 · SDCCU Checking
	12/20/2022	52490 · Publications	50.00	NOE Fee Escondido MSR SOI	check	3558 · SDCCU Checking
			<u>150.00</u>			
E AT&T Mobility						
	12/20/2022	52074 · Telecommunications	298.23	Monthly Cell Phone LAFCO Staff	check	3558 · SDCCU Checking
E Blue Barn Creative LLC						
	12/23/2022	52370 · Professional Services	1,250.00	Video Recording Services	electronic	1000 · County Account (44595)
E Blue Bee Printing						
	12/9/2022	52330 · Office Expense	65.01	LAFCO Branding Magnets	debit card	3558 · SDCCU Checking
E Brian J. Brady						
	12/23/2022	52370.F · Professional Services	367.50	Consultant Services MSRs	electronic	1000 · County Account (44595)
E Bruegger's Bagels						
	12/18/2022	52610 · Non-Travel/In-County	43.19	Refreshments for SDAC Meeting	debit card	3558 · SDCCU Checking
E Chase Design Inc						
	12/23/2022	52334 · Printing	1,560.00	Escondido & Eastern MWD Addendum MSRs	electronic	1000 · County Account (44595)
E Claim Jumper						
	12/5/2022	52610 · Non-Travel/In-County	38.63	EO Debriefing with Legal Counsel	debit card	3558 · SDCCU Checking
E Colantuono, Highsmith & Whatley						
	12/2/2022	52370.B · Professional Services	9,337.76	Legal Services	electronic	1000 · County Account (44595)
	12/28/2022	52370.B · Professional Services	5,917.00	Legal Services	electronic	1000 · County Account (44595)
			<u>15,254.76</u>			
E Corodata						
	12/2/2022	52330 · Office Expense	56.16	Document Storage	electronic	1000 · County Account (44595)
	12/13/2022	52330 · Office Expense	56.16	Document Storage	check	3558 · SDCCU Checking
			<u>112.32</u>			
E Costco						
	12/16/2022	52330 · Office Expense	93.72	Holiday Gathering	debit card	3558 · SDCCU Checking
E County of San Diego						
	12/1/2022	52354 · Mail/Postage ISF	1,818.17	Mail/Postage Services	electronic	1000 · County Account (44595)
	12/1/2022	52178 · Vehicle Maintenance	118.90	Vehicle Maintenance Services	electronic	1000 · County Account (44595)
	12/1/2022	52182 · Vehicle Fuel	47.91	Vehicle Fuel	electronic	1000 · County Account (44595)
	12/1/2022	52758 · Vehicle Lease	165.49	Vehicle Lease	electronic	1000 · County Account (44595)
	12/1/2022	52721 et al. · Communications (IT) Services	8,288.14	County IT Services (ITRACK)	electronic	1000 · County Account (44595)
	12/6/2022	52504 · Equipment Rental	3.14	County Surcharge Xerox	electronic	1000 · County Account (44595)
	12/9/2022	51110 et al. · Employee Payroll	50,355.90	Payroll Pay Period 2023-12	electronic	1000 · County Account (44595)
	12/23/2022	51110 et al. · Employee Payroll	45,141.06	Payroll Pay Period 2023-13	electronic	1000 · County Account (44595)

SAN DIEGO LAFCO
Expenses by Vendor Detail
December 2022

Payable Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
	12/29/2022	52504 · Equipment Rental	2.53	County Surcharge Xerox	electronic	1000 · County Account (44595)
	12/31/2022	52550.B · County Overhead Costs	16.44	County Surcharge A-87 2nd Quarter	electronic	1000 · County Account (44595)
			105,957.68			
E Dieu Ngu	12/19/2022	52370.E · Professional Services	199.00	DropBox Software Reimbursement	check	3558 · SDCCU Checking
E Dollar Tree	12/15/2022	52330 · Office Expense	29.81	Holiday Gathering	debit card	3558 · SDCCU Checking
E Dudek & Associates Inc	12/28/2022	52304 · Miscellaneous Expense	1,526.25	SALC Grant	electronic	1000 · County Account (44595)
E Embroidme of La Mesa	12/9/2022	52330 · Office Expense	237.90	LAFCO Branding Pens	debit card	3558 · SDCCU Checking
E Fax Plus	12/8/2022	52330 · Office Expense	6.11	Monthly Fax Machine Payment	debit card	3558 · SDCCU Checking
E Gelson's Market	12/18/2022	52330 · Office Expense	63.83	Christmas Party Refreshments	debit card	3558 · SDCCU Checking
E Hobby Lobby	12/15/2022	52330 · Office Expense	157.03	Seasonal Decorations	debit card	3558 · SDCCU Checking
E Lazy Dog	12/20/2022	52330 · Office Expense	219.07	Holiday Party	debit card	3558 · SDCCU Checking
E Leaf & Cole LLP	12/23/2022	52370.H · Professional Services	479.00	Accounting Services	electronic	1000 · County Account (44595)
E LZH Consulting LLC	12/28/2022	52370.F · Professional Services	1,218.75	Consultant Services MSRs	electronic	1000 · County Account (44595)
E Manchester Financial 5th Avenue LP	12/5/2022	52530 · Office Lease	10,580.79	Office & Storage Rent	electronic	1000 · County Account (44595)
	12/28/2022	52530 · Office Lease	10,580.79	Office & Storage Rent	electronic	1000 · County Account (44595)
			21,161.58			
E Mission RCD	12/28/2022	52304 · Miscellaneous Expense	2,540.00	SALC Grant	electronic	1000 · County Account (44595)
E Namebadge.com	12/13/2022	52330 · Office Expense	94.17	LAFCO Name Badges	debit card	3558 · SDCCU Checking
E Nothing Bundt Cakes	12/8/2022	52330 · Office Expense	84.00	Holiday Gathering	debit card	3558 · SDCCU Checking
E Price Self Storage	12/16/2022	52504 · Equipment Rental	111.00	Storage Unit Monthly Payment	credit card	3558-60 · SDCCU Visa Credit Card
E Renato Rodriguez	12/20/2022	52330 · Office Expense	70.00	Commission Meeting Refreshments	check	3558 · SDCCU Checking
E San Diego Union Tribune	12/13/2022	52490 · Publications	1,338.00	PHN for Escondido MSR	check	3558 · SDCCU Checking
E SDCCU	12/31/2022	52304 · Miscellaneous Expense	8.00	Account Maintenance Fee	electronic	3558 · SDCCU Checking
E SDSU	12/28/2022	52304 · Miscellaneous Expense	5,815.00	SALC Grant	electronic	1000 · County Account (44595)
E See's Candies	12/16/2022	52330 · Office Expense	33.00	Holiday Gathering	debit card	3558 · SDCCU Checking
E Sprouts	12/4/2022	52330 · Office Expense	32.14	Refreshments for Commission Meeting	debit card	3558 · SDCCU Checking
E Stephen Abbott	12/28/2022	52370.F · Professional Services	1,328.00	Consultant Services MSR & Fire	electronic	1000 · County Account (44595)
E Target	12/2/2022	52330 · Office Expense	32.39	Service Awards for Commissioners Cate, McNamara & Salas	debit card	3558 · SDCCU Checking
	12/18/2022	52330 · Office Expense	7.09	Holiday Gathering	debit card	3558 · SDCCU Checking
			39.48			
E Translation Solutions	12/18/2022	52370.L · Professional Services	959.00	Translation for Escondido MSR	credit card	3558-60 · SDCCU Visa Credit Card
E Vons	12/20/2022	52330 · Office Expense	36.59	Service Awards for Commissioners Cate, McNamara & Salas	debit card	3558 · SDCCU Checking

SAN DIEGO LAFCO
Expenses by Vendor Detail
December 2022

Payable Receivable Party	Date	Account	Amount	Purpose	Type	Funding Account
E World Market						
	12/2/2022	52330 · Office Expense	83.92	Agenda postage to JM	debit card	3558 · SDCCU Checking
E Xerox						
	12/9/2022	52504 · Equipment Rental	506.26	Xerox Rental	electronic	1000 · County Account (44595)
E Zoom						
	12/4/2022	52270 · Memberships	14.99	Staff Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
	12/12/2022	52270 · Memberships	14.99	EO Monthly Video Conferencing Subscription	debit card	3558 · SDCCU Checking
			29.98			
			<u>190,429.24</u>			
EXPENSE TOTAL						
R 805 Properties						
	12/19/2022	46234 · Applications	16,909.20	LAFCO Processing Fees (RO22-16)	check	3558 · SDCCU Checking
R County of San Diego						
	12/19/2022	52490 · Publications	2,388.00	PHN Fees (RO22-01)	check	3558 · SDCCU Checking
R Hajnalka Farkas						
	12/19/2022	52490 · Publications	50.00	Recording Fees (RO22-06)	check	3558 · SDCCU Checking
			<u>19,347.20</u>			
REVENUE TOTAL						

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

5C

AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst I

SUBJECT: **Proposed “Briggs-Copper Crest Road Change of Organization” |
 Annexation to the Leucadia Wastewater District (CO22-14)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 2.9 acres of incorporated territory within its sphere of influence. The affected territory as submitted involves one legal parcel in the City of Encinitas presently developed with a single-family residence. The primary purpose of the proposal is to replace an aging septic system through connection to Leucadia WWD’s nearby collection system. The secondary purpose is to accommodate the planned construction of a second unit. Staff recommends conditional approval of the proposal. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act.

BACKGROUND

Applicant Request

San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowner – Susan Briggs – requesting approval to annex approximately 2.9 acres of incorporated territory within the City of Encinitas. The affected territory as submitted comprises one entire parcel currently developed with a 2,752 square foot single-

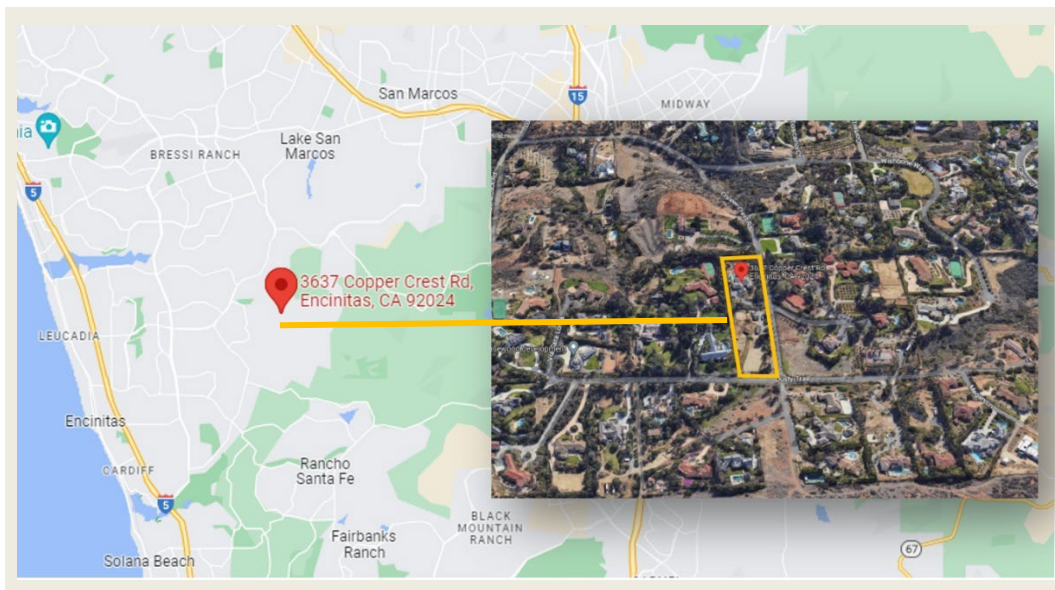
<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solona Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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family residence at 3637 Copper Crest Road. The residence was built in 1985, includes equestrian facilities, and presently served by a conventional onsite septic system consisting of an underground tank and drain field. The annexation request is specific to connecting to Leucadia WWD’s public wastewater system. The County of San Diego Assessor’s Office identifies the subject parcel as 264-222-24.

A vicinity map showing the affected territory relative to the current Leucadia WWD jurisdiction is provided as Appendix A.

Regional Setting

The affected territory is located within the City of Encinitas in its eastern and largely semi-rural residential “Copper Crest Estates” neighborhood, east of Interstate 5, east of State Highway 101, and east of Batiquitos Lagoon. Principal access is provided by Lone Jack Road to the south via Copper Crest Avenue. The affected territory lies within County Supervisorial District No. 3 (Terra Lawson-Remer), Assembly District No. 77 (Tasha Boerner Horvath), and Senate District No. 38 (Catherine Blakespear). Elevation ranges from sea level-402 feet above sea level. An aerial map of the affected territory and its regional setting follows.



Subject Agency

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

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

- **Leucadia WWD** is an independent special district governed by a five-member board with members appointing among their ranks a president to preside over meetings. An appointed general manager oversees day-to-day activities. Leucadia WWD was formed in 1959 with a current jurisdictional boundary spans 9,600 acres or 15 square miles. The jurisdictional boundary is generally divided between the City of Carlsbad on the north and the City of Encinitas on the south with an overall projected District population of 60,773. Leucadia WWD currently provides two active municipal functions: wastewater (collection, treatment, and discharge classes) and recycled water (wholesale and retail classes) with the latter being geographically restricted.^{2 3} LAFCO most recently updated Leucadia WWD’s sphere in 2013 with a larger-than-agency designation that includes 547 non-jurisdictional acres. The most recently prepared audit shows Leucadia WWD’s net position at \$146.4 million as of June 30, 2022. This accrued amount reflects an overall three-year change of (0.41%) and includes an unrestricted portion of \$23.2 million that adjusts to \$24.2 million less retiree obligations. The balance sheet separately shows Leucadia WWD’s General Fund ending the period with an unrestricted balance of \$7.95 million, which equates to covering 12 months of recent actual costs.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 10 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 for noticing purposes and listed below.⁴

- County Service Area No. 17 (San Dieguito)
- County Service Area No. 135 (Communications)
- City of Encinitas
- Metropolitan Water District of Southern California
- North County Cemetery District
- Resource Conservation District
- Olivenhain Municipal Water District
- San Diego County Water Authority
- San Diego County Flood Control District
- San Diego County Street Lighting District

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: Encinitas Elementary Union; San Dieguito High Union; and Mira Costa Community College

² Key wastewater infrastructure includes 218 miles of collection lines that convey wastewater for treatment and discharge to the Encina Wastewater Authority; a joint-powers authority co-membered by the District and operator of the Encina Wastewater Pollution Control Facility in Carlsbad.

³ Leucadia WWD’s recycled water function (wholesale and retail) is authorized within an approximate 215-acre site currently developed as a golf course and part of the Omni La Costa Resort and Spa. This authorization is drawn from a grandfather determination made by the Executive Officer in January 2020 following receipt of a related request for clarification by Carlsbad Municipal Water District.

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.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the change of organization proposal to annex the affected territory to Leucadia WWD. 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 change of organization before San Diego LAFCO is to authorize wastewater services within the affected territory from Leucadia WWD and in doing so immediately remedy constraints associated with an aging onsite septic system that otherwise requires repair and /or replacement. The timing of proposal follows the landowner’s recent purchase of the subject parcel in March 2021 and interest to ultimately construct a second unit (accessory dwelling unit).⁵

Development Opportunities

The City of Encinitas General Plan designates the affected territory as Residential (R-3) along with a matching zoning assignment. The zoning assignment provides a minimum parcel size of 0.33 acres. This provides a maximum potential density of eight parcels within the affected territory. The zoning assignment also allows each developed single-family residential parcel to construct one accessory dwelling unit.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for Leucadia WWD includes the affected territory and can readily accommodate the proposed annexation 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 modifications or terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law 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 relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

⁵ No other municipal service establishments are proposed given the affected territory is presently located within the City of Encinitas and accordingly receives a range of public services therein, including community planning, fire, police, roads, and parks. It also lies within the Olivenhain Municipal Water District.

Central Policy Items

Item No. 1 |

Change of Organization Timing

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies as well as assessing the ability of subject agencies providing services going forward.⁶ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:

- Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation’s relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the affected territory’s present and planned residential uses within a developing incorporated area provides a clear basis for receiving multiple municipal services when the timing is right – including wastewater. The Commission has previously designated Leucadia WWD as the ultimate wastewater service provider for the affected territory through the standing inclusion in the sphere. Annexation to Leucadia WWD memorializes this existing Commission expectation and accommodates the expressed interest of the current landowner as evident by their request to Leucadia WWD to initiate LAFCO proceedings. Accommodating wastewater connections in developing urban areas serves as a preferred policy substitute to the private operation and maintenance of septic systems and their elevated risks to the local community.
- With respect to **service availability and capacities**, Leucadia WWD has established public wastewater services to adjacent properties to the immediate north and east of the affected territory. Physical access to the collection system is available on the property via a private sewer stub that was constructed with the public

⁶ Reference to Government Code Section 56668.

sewer line. No extension of the public wastewater main is required to accommodate service. It is projected the maximum average day wastewater flow generated within the affected territory in the near-term via two dwelling units (one single-family residence and one accessory dwelling) is 444 gallons.⁷ This projected amount can be readily accommodated by Leucadia WWD and represents 0.014% of its available treatment capacity remaining within its wastewater system based on recent demands.⁸ Ultimate buildout based on current zoning involves a total of 16 units (eight single family residences and eight accessory dwellings) and would notionally increase the maximum average day demand to 3,552 gallons and take up 0.11% of the available and remaining daily contracted capacity allocated to Leucadia WWD. These projected demands can be readily accommodated without additional public resources.

- With respect to **related financial considerations**, Leucadia WWD has adequate financial resources and administrative controls to provide wastewater service to the affected territory without impacts to current ratepayers. The most recent audited statements show Leucadia WWD’s finished 2021-2022 with high and otherwise healthy liquidity and capital levels based on a current ratio of 79 to 1 and debt ratio of 4.4%, respectively. Leucadia WWD also finished with positive total margins in each of the last three years with an overall period average of 33.4% Leucadia WWD last performed a rate study in 2018 in step with informing current wastewater charges, which include a one-time connection fee of \$5,089 per EDU as well as an annual usage charge of \$416 per unit.
- Timing Factor No. 2:
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.⁹ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

⁷ Based on a per unit daily demand estimate of 222 gallons.

⁸ Current available capacity assigned to Leucadia WWD is 3.1 million gallons.

⁹ The Executive Officer retains discretion to determine the extent of consultation needed

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

The timing of the change of organization involving the annexation of the affected territory to Leucadia WWD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing to an existing and increasing need for public wastewater within an urbanizing area through readily accessible public infrastructure and capacities. Additional analysis supporting the conclusion is provided in Appendix B.

**Item No. 2 |
Modifications and Terms**

No physical modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes noting annexation of the affected territory to Leucadia WWD would not result in any unserved corridors or other boundary irregularities. Staff is recommending applying standard terms of approval under Government Code Section 57302 along with incorporating the requested terms included in Leucadia WWD’s resolution of application, which are provided as Attachment Two and include the annexed property being subject to capacity fees, sewer service fees and all other District-wide Ordinances and Resolutions.

**CONCLUSION |
MODIFICATIONS AND TERMS**

No modifications to the proposed change of organization appear merited as detailed. Standard approval terms are recommended along with incorporating all requested terms forwarded by Leucadia WWD.

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 any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Leucadia WWD.

Environmental Review

Leucadia WWD’s initiating actions involving the proposal require it to assess potential impacts and specifically the annexation and extension of public wastewater service to the affected territory as lead agency under CEQA. In this role as lead agency, Leucadia WWD has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). Staff independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.

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. Proceeding with a waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agency is the applicant and consents to the waiver, and the landowner has consented to the annexation.¹⁰

RECOMMENDATION

Staff recommends approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with the action outlined 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 conditionally approving the proposal as submitted (without modifications) along with making required findings under CEQA. Protest proceedings would also be waived.

Alternative Two:

Continue consideration to the next regular meeting.

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.

¹⁰ LAFCO law defines uninhabited as territory in which less than 12 registered voters reside.

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,



Carolanne Ieromnimon
Analyst I

Appendices:

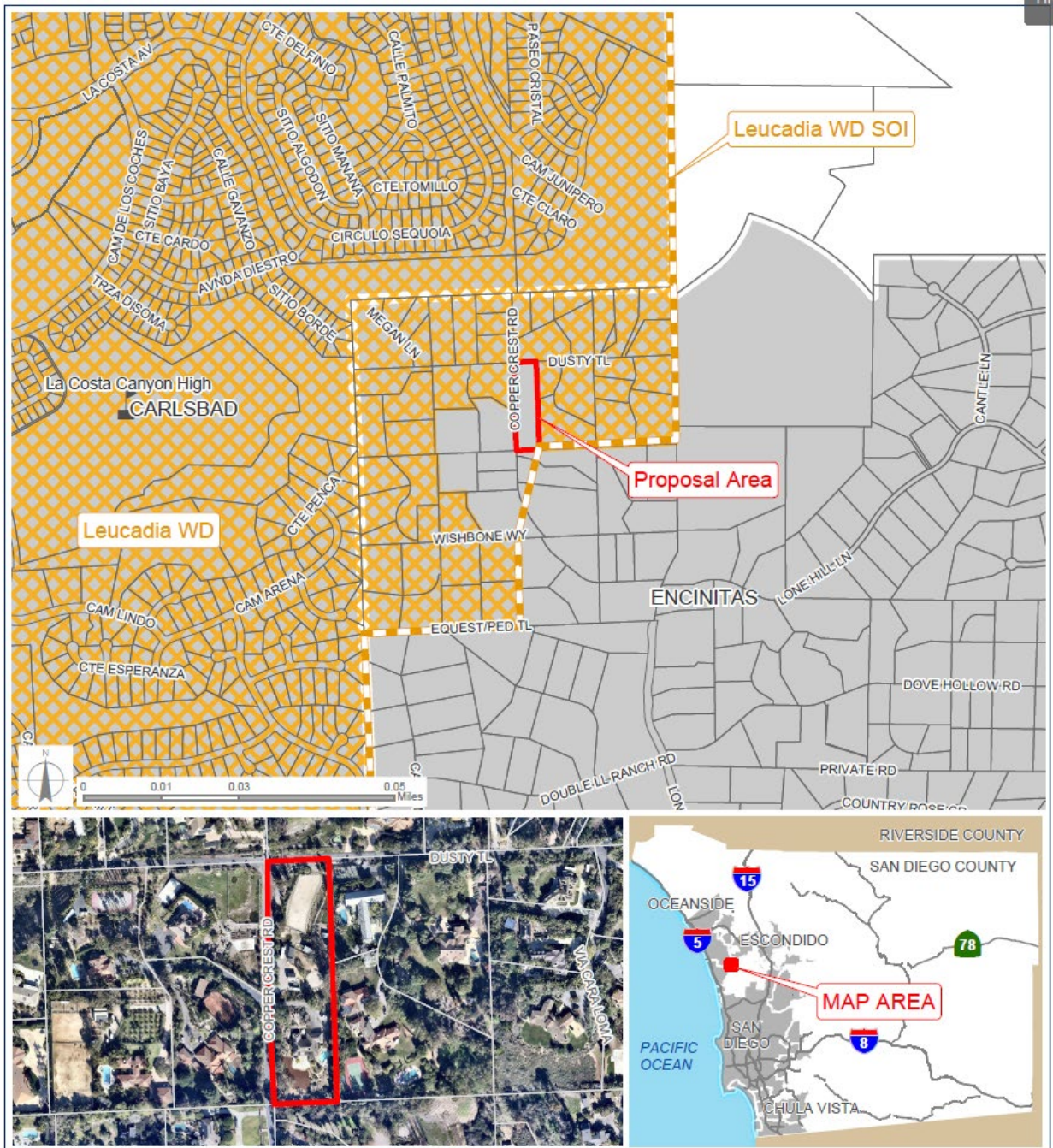
- A) Map of the Affected Territory
- B) Analysis Boundary Change Factors

Attachments:

- 1) Draft LAFCO Resolution of Approval
- 2) Resolution of Application from Leucadia WWD

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APPENDIX A Vicinity Map of the Affected Territory



CO22-14 "BRIGGS - COPPER CREST ROAD CHANGE OF ORGANIZATION" | ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

- Proposal Area
 - Leucadia WD
 - Leucadia WD 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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 G:\GIS\Vicinity_Maps\agendamaps\2022\22-14 Leucadia WD Briggs\22-14 Leucadia WD Briggs.aprx Created by Dieu Ngu – 12/7/2022

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APPENDIX B
Government Code Section 56668
Mandatory 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, in the next 10 years.**

The affected territory as submitted comprises one entire parcel currently developed with an occupied single-family residence. The subject parcel is approximately 2.9 acres in size and located at 3637 Copper Crest Road in the City of Encinitas. Ancillary equestrian uses and related improvements are also located within the subject parcel. Additional residential development (density and intensity) is expected within the surrounding area over the next 10 years consistent with the graduate transition of semi-rural residences to residential estates with accessory dwelling units. Total assessed land value (excludes improvements) of the subject parcel is \$1.734 million with the last transaction recorded in August 2021.

- 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 City of Encinitas serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, lighting, and public safety (police and fire protection). Other pertinent services involve retail water service from the Olivenhain Municipal Water District. This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The affected territory and its existing residential use are currently dependent on a conventional onsite underground septic disposal system. Following annexation, the existing septic system would be backfilled and abandoned as part of the connection to Leucadia WWD's wastewater system. Connection to Leucadia WWD is readily available through an approximate 100-foot lateral to an existing wastewater main located within right-of-way on Dusty Trail. The projected average maximum daily wastewater flow for the affected territory in the near term to accommodate two units (one single-family residence and one accessory dwelling) is 444 gallons. This projected amount represents 0.014% of the current 3.1 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD through the Encina Wastewater Authority. Ultimate buildout of the subject parcel under current zoning would increase the total number of units to 16 (eight single-family residences and eight accessory dwelling units) and raise the maximum average day demand to 3,552

gallons and take up 0.11% of the available/remaining 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.

Approving the change of organization and annexation therein to Leucadia WWD would strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing the lands within the District sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater services from Leucadia WWD when the timing is separately deemed appropriate and orderly.

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 change of organization and annexation to Leucadia WWD would facilitate the extension of public wastewater services to the affected territory and accommodate an existing single-family residence and the probable construction of a second unit (accessory dwelling unit). 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 follows.

- 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 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.

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 presently contain “prime agricultural land”, or “agricultural land” 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 proposal and annexation to Leucadia WWD – would not adversely affect the physical or economic well-being 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor's Office and address any modifications enacted by the Commission.

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

The proposed change of organization would extend wastewater service to one existing single-family residences and the probable construction of a second unit. The proposal and its anticipated outcomes do not generate any known conflicts 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 affected incorporated territory is presently designated for moderate-density single-family residential use under the adopted land use policies of the City of Encinitas. The affected territory is zoned as R-3, which prescribes a minimum parcel size of 0.33 acres. Extending public wastewater services to accommodating a planned second unit is consistent with the City General Plan and Zoning Ordinance.

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 Leucadia WWD. Annexation is consistent with this existing designation.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 30, 2023.

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 Leucadia WWD 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 following factors.

- Leucadia WWD's last audit covers 2021-2022 and shows the District finished with high liquidity levels with an agency-wide current ratio of 79 (i.e., \$79.00 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2021-2022 with high capital levels and marked by a low debt ratio of 2.5% (i.e., only \$2.50 out of every \$100.00 in net assets are financed.)
- Leucadia WWD finished 2021-2022 with an overall total margin of 31.6%.

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

The affected territory's existing residential uses are presently within and connected to Olivenhain Municipal Water District retail domestic water system with wholesale supplies provided by the San Diego County Water Authority and Metropolitan Water District of Southern California. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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 City of Encinitas by the region's council of governments (SANDAG). The annexation to the Leucadia WWD 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 landowners support the proposed change of organization and have provided written consent to the proceedings.

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.

The change of organization is intended to replace an aging septic system and make available public wastewater service to the affected territory and accordingly serves to promote environmental justice through additional accountability for all residents - including groups that have been historically marginalized and/or susceptible to pollution burdens and their effects. This latter category – notably – consists of low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California and are shown in the proceeding tables.

Census Tract 6073017110	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073017110 + Surrounding Lands
No. of Census Tracts	1
Estimated Population	11,906
Pollution Burden	Weighted Percentile
... Composite Score	43.37
... Percentile	11.74
Indicator Air Quality: Ozone	40.05
Indicator Air Quality: PM 2.5:	15.25
Indicator Air Quality: Diesel PM:	17.92
Indicator Pesticides:	70.52
Indicator Toxic Releases:	13.30
Indicator Traffic:	22.08
Indicator Drinking Water Contaminants:	50.84
Indicator Lead in Housing:	3.45
Effects Cleanup Sites:	50.32
Effects Groundwater Threats:	27.76
Effects Hazardous Waste:	82.01
Effects Impaired Water:	98.07
Effects Solid Waste:	52.90
Sensitive Population	Weighted Percentile
... Percentile	6.47
Population Asthma:	1.26
Population Low Birth Weight:	31.67
Population Cardiovascular Disease:	5.16
Population Education:	10.31
Population Linguistic Isolation:	32.03
Population Poverty:	21.27
Population Unemployment:	45.78
Population Housing Burden:	13.90

- 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 City of Encinitas General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies outside any identified threat designations.

- r) 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.

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“BRIGGS-COPPER CREST ROAD CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT (CO22-14)
LAFCO FILE NO. CO22-14**

WHEREAS, on October 3, 2022, Leucadia Wastewater District filed a resolution 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 2.92 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one legal parcel that is developed with a single-family residence and identified by the County of San Diego Assessor’s Office as 264-222-24; 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 February 6, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 as well as 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 responsible agency for environmental review of the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) Leucadia Wastewater District serves as lead agency under CEQA for assessing potential impacts of the proposal and specifically the concurrent annexation of the affected territory to the Leucadia Wastewater District. In this role as lead agency, Leucadia Wastewater District has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). The Commission independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.
4. The Commission APPROVES the change of organization without modifications as described below and subject to conditions as provided. Approval involves all of the following:
 - a) Annexation of the affected territory to the Leucadia Wastewater 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 February 6, 2024 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 Exemptions consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation:
"Briggs-Copper Crest Road 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 Leucadia Wastewater District is a registered-voter districts.
10. The Leucadia Wastewater 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 Leucadia Wastewater 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 transmit 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 6th of February, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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LEADERS IN
ENVIRONMENTAL
PROTECTION

BOARD OF DIRECTORS

Judy Hanson, President
Elaine Sullivan, Vice President
Matthew S. Brown, Director
Donald F. Omsted, Director
Chris Roesink, Director
Paul J. Bushee, General Manager

Ref: 23-8197

September 29, 2022

San Diego LAFCO
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Dear Mr. Simonds:

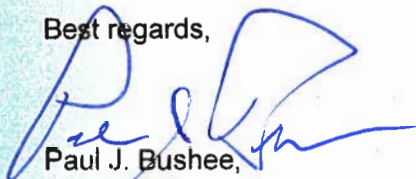
The Leucadia Wastewater District requests that the San Diego County LAFCO take proceedings for the proposed *Briggs* Change of Organization. The proposed Change of Organization relates to the annexation of a property into the Leucadia Wastewater District.

The following materials are submitted pursuant to this request:

1. Completed LAFCO Application
2. Certified District Resolution of Application (Resolution No. 2379 included)
3. Metes and Bounds and Parcel/Plat Map
4. CEQA Notice of Exemption
5. LAFCO Processing Fee in the amount of \$6,405.00

Thank you for your attention to this matter. If you have any questions, please contact me at (760) 753-0155.

Best regards,



Paul J. Bushee,
General Manager

Cc: File

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION**

The following information must be submitted when filing a change of organization or reorganization proposal with the San Diego Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal.

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or
(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
 - (a) **INITIAL STUDY:** Submit completed form (available from LAFCO) if no environmental review has been conducted;
 - (b) **CATEGORICAL EXEMPTION:** Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
 - (c) **NEGATIVE DECLARATION (ND):** Submit document with certifying resolution and Initial Study*;
 - (d) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
- 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
9335 Hazard Way · Suite 200 · San Diego, CA 92123
(858) 614-7755 · www.sdlafco.org**

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

The information in this application is used by LAFCO staff to evaluate proposals for changes of government organization. Please respond to **all** items in this form, indicating "NA" when an item does *not* apply.

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. <u>Leucadia Wastewater District</u>	1. <u>Annexation</u>
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

As part of this application, the City of _____ or the Leucadia Wastewater District, Mrs. Susan Briggs (the applicant), and/or the _____ (real party in interest): subject landowner and/or registered voter agrees to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul San Diego LAFCO's review, approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees, expert witness fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. Applicant and/or real party in interest agree that San Diego LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest and that San Diego LAFCO's taking such action does not limit the obligations to indemnify and reimburse San Diego LAFCO's defense costs. This defense and indemnification obligation shall apply whether or not there is concurrent passive or active negligence on the part of the San Diego LAFCO, its agents, officers, attorneys, or employee. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of _____ or the Leucadia Wastewater district may result in the imposition of taxes, fees and assessments **existing within the (city or district)** on the effective date of annexation. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those **existing taxes, fees and assessments**.

Agreed:
Signature: Susan Briggs Date: 8/17/2022

Print/Type Name: Susan Briggs

Address: 3637 Copper Crest Rd
Encinitas, CA 92024 Telephone: () _____

Property Address: 3637 Copper Crest Rd, Encinitas, CA 92024

Cross Street(s): Rancho Santa Fe Rd & Lone Jack Rd

Assessor Parcel Number(s): 264-222-24-00 Acres: 2.92

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.

Name: _____

Address: _____

Telephone: () _____

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary **at this time** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). _____

Existing residential structure requires new sewer service due to pit failure of septic system. Additionally, there is a proposed Accessory Dwelling Unit that will be constructed on the property.

2. Describe the use of **developed** property within the proposal territory, including details about existing structures. Describe anticipated development of **vacant** property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. _____

Currently, one existing single family residence with a proposed ADU.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. _____

The nearly 3-acre lot is in the Copper Crest Estates community, with the main house at the highest elevation and the ADU on the lower horse property. Location is East of I-5, North of Encinitas Blvd and East of Rancho Santa Fe Rd.

4. How many residents live within the proposal territory? 4

5. How many of these residents are registered voters? 2

6. Are there any jurisdictional issues associated with the LAFCO proposal or pending LAFCO action?

NO YES (If yes, please complete the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

If the proposal territory is **not** within an incorporated city, San Diego County General Plan and zoning information may be obtained by calling (858) 565-5981 or toll-free (888) 267-8770 with the Assessor Parcel Number(s) of the subject property. If the proposal territory is within a city, please call the appropriate city's planning department for General Plan and zoning information.

1. COUNTY:

(a) The territory is within the City of Encinitas community plan.

(b) The County General Plan or community plan designation and allowed density: N/A

(c) Current County zoning and allowed density: N/A

2. CITY:

(a) The territory is within the general plan area for the City of Encinitas

(b) The City General Plan land use designation and allowed density: Residential R-3

(c) Current City zoning and allowed density: Residential R-3

(d) Current City prezoning and allowed density: N/A

3. Indicate below **all** permits or approvals that will be needed by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date.

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Tentative Parcel Map			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Major Use Permit			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City/County General Plan Amendment			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City Prezoning			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
County Rezone			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(Other)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

4. Describe the land uses surrounding the proposal territory (e.g., residential, commercial, agricultural, industrial, open space, etc.).

North: Residential East: Residential
 South: Residential West: Residential

5. Indicate with a if any portion of the proposal territory contains the following:

- Agricultural land uses Agricultural Preserve
- Open Space Easement Slopes greater than 25%
- Sewer moratorium area Coastal Permit Zone
- Unusual features such as: _____

6. For city annexation proposals: Is any part of the proposal territory under a Williamson Act contract? If yes, please contact the LAFCO office for special instructions regarding petition/resolution of application requirements. YES NO

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? YES NO
(b) *If yes*, which agency? _____
2. (a) Is a developed parcel in need of annexation due to failed septic system? YES NO
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.
(c) *If no*, is annexation for sewer service part of this application? YES NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? _____
4. (a) Has the agency that will be providing service issued a letter of sewer availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation? YES NO
(b) *If no*, please explain: _____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? YES NO
(b) *If yes*, which agency? _____
2. Is a well or other on-site water system currently used on the property? YES NO
3. Is an on-site system proposed to be used when the property is developed? YES NO
4. (a) Is annexation for water service part of this application? YES NO
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? _____
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation? YES NO
5. (a) Has the agency that will be providing service issued a letter of water availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES: NOTE: Complete the following section **only** if annexation to a fire protection service provider is proposed—or if the current fire protection service provider is proposed to change.

1. (a) Is the proposal territory **currently** within an agency that provides fire protection? YES NO
(b) **If yes**, provide name and address/location of current fire service provider

(c) Provide estimated response times to the proposal territory:
priority _____ minutes; non-priority _____ minutes

2. Is annexation for fire protection service part of this application? YES NO

3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of the proposed fire service provider: _____

(b) Estimated response times to the proposal territory:
Priority _____ minutes; non-priority _____ minutes

POLICE PROTECTION SERVICES: NOTE: Complete the following section **only** if the police protection provider is proposed to change.

1. Which police agency **currently** serves the proposal territory?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory: priority _____ minutes; non-priority _____ minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory:
Priority _____ minutes; non-priority _____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

² "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at <http://www.sdlafco.org/document/CommRoster.pdf>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____
Annexation into Leucadia Wastewater District

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. None
2. _____

(c) Date and amount of contribution:

Date _____ Amount \$ None
Date _____ Amount \$ _____

(d) Name of commissioner to whom contribution was made:

1. N/A
2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name Susan Briggs

Signature Susan Briggs

Date 8/17/2022 Phone 858-248-0721

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

Effective January 1, 2008, expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- 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 of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- 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 filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 et seq. apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with San Diego LAFCO?

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

Note: Processing of jurisdictional boundary change proposals, which involve *uninhabited*¹ territory, can be expedited by approximately 60 days if all affected landowners consent to the proposal. If you wish to take advantage of this option, please return the completed PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY to San Diego LAFCO with your application for a jurisdictional boundary change. If consenting signatures of **100%** of the affected property owners are affixed and LAFCO does not receive any opposition from subject agencies, the Commission may consider the proposal without public notice, public hearing and/or an election.

¹ Territory included within a proposed boundary change that includes less-than 2 registered voters is considered *uninhabited* (Government Code 56045).

The undersigned owners(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization or reorganization consisting of:

(Please list all proposed actions)

Annexation to: 1. Leucadia Wastewater District
 2. _____
 3. _____


Detachment from: 1. _____
 2. _____
 3. _____

	<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1.	8/17/2022	<i>Susan Briggs</i>	264-222-24-00
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

NOTE: A copy of this form must be completed and signed by each local agency that will gain or lose territory as a result of the proposed jurisdictional boundary change. Attach additional sheets if necessary.

	Dexter Wilson
Signature of agency representative	Print name
District Engineer	
Title	
(760) 438-4422	8/8/22
Telephone	Date

A. JURISDICTIONAL INFORMATION:

Name of agency:
Leucadia Wastewater District

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
If yes, please provide details of all costs: Sewer capacity fees-\$5,089 per Equivalent Dwelling Unit (EDU) & sewer service fees of \$378.04 per year per EDU for FY2023
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

EXPEDITED PROPOSAL PROCESSING: Processing of jurisdictional boundary change proposals can be expedited by approximately 60 days if all affected landowners consent to the waiver of protest and termination (conducting authority) proceedings and subject agencies do not oppose the waiver. If you do NOT want to waive these proceedings, then attach a written statement to the subject agency information form containing a signature, date, and declaration of opposition to a waiver of such proceedings.

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? 31,945 EDUs

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? _____
Approximately 4.0 mgd daily average

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?
Approximately 9.0 mgd (peak daily instantaneous flow)
(b) What is the agency's peak flow capacity (expressed in million gallons per day)?
Approximately 15.5 mgd (peak instantaneous flow)
(c) Has the agency exceeded the flow (peak) capacity within the past two years?
(d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____
_____ YES NO

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? YES NO
(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? 2 EDUs
(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? YES NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? YES NO
(b) *If yes*, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):
The project build out demand is approximately 6.45 mgd and capacity rights are currently 7.10 mgd, thereby exceeding project demand requirements
(c) *If no*, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: _____

7. Will the proposal territory be annexed to a sewer improvement district? YES NO

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 100 feet.
(b) Describe the location of the connection to the agency's existing sewer system:
Onsite private sewer lateral will connect to public sewer located in a sewer easement.

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? YES NO
- (b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

- (c) *If no*, what plans does the agency have to increase its water capacity?

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): _____

3. (a) Has the agency issued a letter of water availability for the proposal territory? YES NO
- (b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
4. (a) The distance for connection of the proposal territory to the agency's existing water system is _____ feet.
- (b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? YES NO
- (b) *If yes*, describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? YES NO
- (b) *If yes*, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

- (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.
- (d) Describe the location of the connection to the agency's existing reclaimed water system: _____
- (e) *If no*, has the agency considered availability of reclaimed water to the proposal territory? YES NO
- (f) What restrictions prevent use of reclaimed water? _____

7. Will the proposal territory be annexed to an improvement district? YES NO

RESOLUTION NO. 2379

**A RESOLUTION OF APPLICATION BY THE
BOARD OF DIRECTORS OF LEUCADIA WASTEWATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE PROPOSED
BRIGGS CHANGE OF ORGANIZATION**

RESOLVED, by the Board of Directors of the Leucadia Wastewater District, that

WHEREAS, the Board of Directors of the LEUCADIA WASTEWATER DISTRICT (LWD), 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 Briggs Change of Organization; and

WHEREAS, the proposed Briggs Change of Organization includes annexation of the Briggs territory (*APNs 264-222-24-00*) to the LWD; and

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

1. LWD is empowered to and is engaged in the collection, treatment, and disposal of wastewater and has existing facilities to provide wastewater service to the territory proposed to be annexed.
2. The owners of the territory desire to utilize the LWD facilities.
3. The territory to be annexed is within LWD's Sphere of Influence.

WHEREAS, the territory subject to the proposed Change of Organization is inhabited, 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, LWD requests that the proposed Change of Organization be subject to the following terms and conditions:

1. The annexed property is thereafter subject to capacity fees, sewer service fees, and all other district-wide Ordinances and Resolutions of LWD.

WHEREAS, LAFCO is authorized to approve this proposed Change of Organization 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.

WHEREAS, the staff of LWD has reviewed this proposed Change of Organization under the California Environmental Quality Act (CEQA) and has found it to be categorically exempt from CEQA pursuant to Section 15319 (a) of the California Environmental Quality Act.

NOW, THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the LEUCADIA WASTEWATER 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 AND ADOPTED at a Regular meeting of the Board of Directors held on September 14th, 2022 by the following vote:

AYES: Hanson, Sullivan, Brown, Roesink, Omsted
NOES: None
ABSTAIN: None
ABSENT: None



Judy Hanson, President

ATTEST: 

Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"
BRIGGS ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN PROPERTY, SITUATED IN PARCEL 1 OF PARCEL MAP NO. 8251, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 4, 1979 AS FOLLOWS:

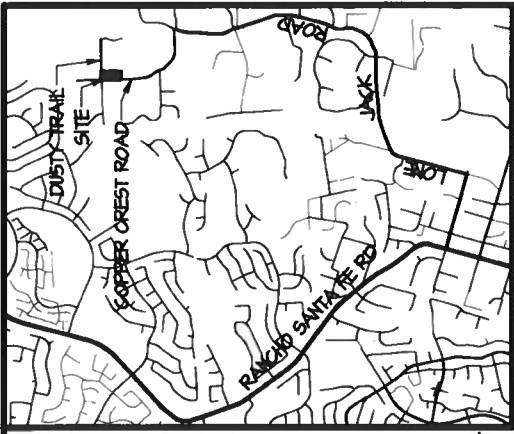
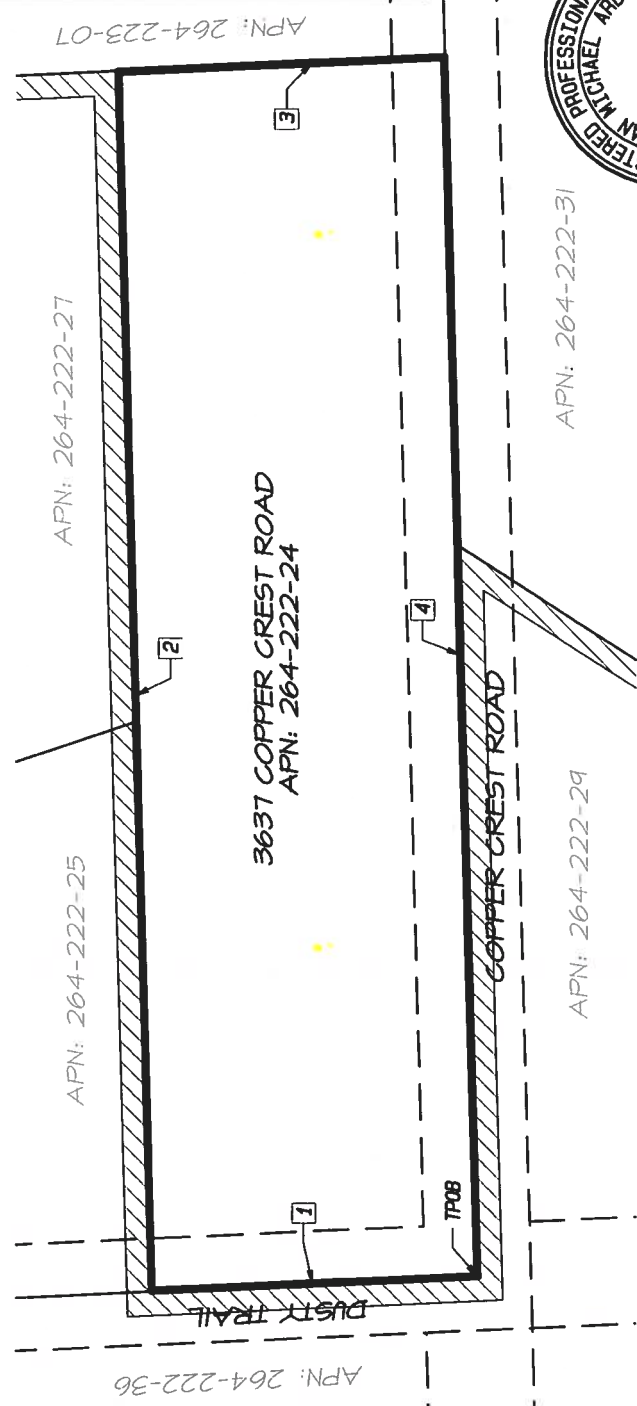
COMMENCING AT THE CENTERLINE INTERSECTION OF DUSTY TRAIL AND COPPER CREST ROAD AS SHOWN ON SAID MAP 8215. THE TRUE POINT OF BEGINNING; THENCE

1. NORTH 86°47'42" EAST 185.00 FEET; THENCE
2. SOUTH 02°08'13" EAST 688.33 FEET; THENCE
3. SOUTH 86°55'53" WEST 185.00 FEET; THENCE
4. NORTH 02°08'11" WEST 687.89 FEET, TO THE TRUE POINT OF BEGINNING AND CONTAINING 2.92 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

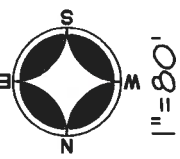
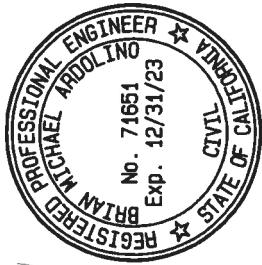
EXHIBIT "B"

**ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT
3637 COPPER CREST ROAD - BRIGGS**



COURSES

1. NORTH 86°47'42" EAST 185.00'
2. SOUTH 02°08'13" EAST 688.33'
3. SOUTH 86°55'53" WEST 185.00'
4. NORTH 02°08'11" WEST 687.89'



LEGEND

PARCEL "A" METES & BOUNDS [1]

EXISTING LND BOUNDARY [Hatched Box]

PARCEL TO BE ANNEXED [Solid Line]

IN LND [Hatched Box]

ASSESSOR'S PARCEL NUMBER: 264-222-24	LAFCO RESOLUTION NO: DA18-02	ADCREASE DATE: 7-19-22	SCALE: 1"=60'
LEUCADIA WASTEWATER DISTRICT ANNEXATION		ARDOLINO COASTAL ENGINEERING	
PARCEL 1 OF PARCEL MAP 8251		PO BOX 1226	
		CARDIFF BY THE SEA, CA 92007	
		760.334.1373	

ACE 22-13

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92101

From: (Public Agency): Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

(Address)

Project Title: Briggs Annexation

Project Applicant: Susan Briggs (858) 248-0721

Project Location - Specific:
3637 Copper Crest Road, Encinitas, CA 92024

Project Location - City: Encinitas Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:
Annexation of 2.92 acres, which includes 1 parcel with an existing-family residence and a proposed Accessory Dwelling Unit, to the Leucadia Wastewater District for the purpose of providing sewer service to both residences. The parcel is currently on a septic system. APN 264-222-24-00.

Name of Public Agency Approving Project: Leucadia Wastewater District (LWD)

Name of Person or Agency Carrying Out Project: Annex. by LWD, sewer connection by property owner

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 15319 (a)
Statutory Exemptions. State code number:

Reasons why project is exempt:
The action is exempt in accordance with CEQA Guidelines: 15319, Annexation of Existing Facilities and Lots for Exempt Facilities, Class 19, Section (a). Annexation of the parcels into LWD is for the sole purpose to connect to the existing sewer public system (sewer system). The property will owner be required to connect the new private sewer laterals to the extended public sewer system on Sunset Drive.

Lead Agency Contact Person: Mr. Paul J. Bushee Area Code/Telephone/Extension: 760-753-0155

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: [Signature] Date: 9/29/2022 Title: General Manager

[X] Signed by Lead Agency [] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



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

5d

AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst I

SUBJECT: **Proposed “Stits-Eolus Avenue Change of Organization” |
 Annexation to the Leucadia Wastewater District (CO22-13)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 0.84 acres of incorporated territory within its sphere of influence. The affected territory as submitted comprises one legal parcel in the City of Encinitas presently developed with a single-family residence along with a portion of the adjacent public right-of-way. The purpose of the proposal is to accommodate an urban lot split and construction of an additional single-family residence under Senate Bill 9 (Home Act). Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act.

BACKGROUND

Applicant Request

San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowner – Kimberly Stits– requesting approval to annex approximately 0.84 acres of incorporated territory within the City of Encinitas. The affected territory as submitted includes one entire 0.70-acre parcel currently developed with a 3,005 square foot

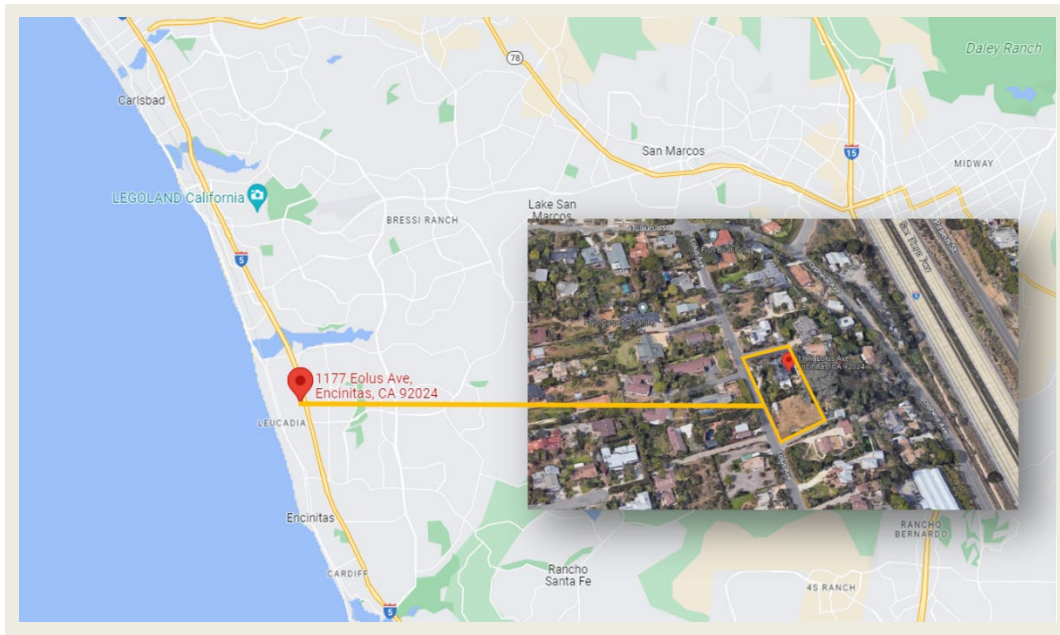
<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solona Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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single-family residence at 1177 Eolus Avenue with the remainder involving a portion of the public right-of-way to the centerline. The residence was built in 1974 and presently served by a conventional onsite septic system consisting of an underground tank and drain field. The annexation request is specific to connecting to Leucadia WWD’s public wastewater system. The County Assessor’s Office identifies the subject parcel as 254-382-18.

A vicinity map showing the affected territory relative to the current Leucadia WWD jurisdiction is provided as Appendix A.

Regional Setting

The affected territory is located within the City of Encinitas in its northern and largely residential “Leucadia” neighborhood, west of Interstate 5, east of State Highway 101, and south of Batiquitos Lagoon. Principal access is provided by Leucadia Boulevard to the south via Eolus Avenue. The affected territory lies within County Supervisorial District No. 3 (Terra Lawson-Remer), Assembly District No. 77 (Tasha Boerner Horvath), and Senate District No. 38 (Catherine Blakespear). Elevation ranges from sea-level to 410 feet above sea level. An aerial map of the affected territory and its regional setting follows.



Subject Agency

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

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

- **Leucadia WWD** is an independent special district governed by a five-member board with members appointing among their ranks a president to preside over meetings. An appointed general manager oversees day-to-day activities. Leucadia WWD was formed in 1959 with a current jurisdictional boundary spanning 9,600 acres or 15 square miles. The jurisdictional boundary is generally divided between the City of Carlsbad on the north and the City of Encinitas on the south with an overall projected District population of 60,773. Leucadia WWD currently provides two active municipal functions: wastewater (collection, treatment, and discharge classes) and recycled water (wholesale and retail classes), with the latter being geographically restricted.^{2 3} LAFCO most recently updated Leucadia WWD’s sphere in 2013 with a larger-than-agency designation that includes 547 non-jurisdictional acres. The most recently prepared audit shows Leucadia WWD’s net position at \$146.4 million as of June 30, 2022. This accrued amount reflects an overall three-year change of (0.41%) and includes an unrestricted portion of \$23.2 million that adjusts to \$24.2 million less retiree obligations. The balance sheet separately shows Leucadia WWD’s General Fund ending the period with an unrestricted balance of \$7.95 million, which equates to covering 12 months of recent actual costs.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 10 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 for noticing purposes and listed below.⁴

- County Service Area No. 17 (San Dieguito)
- County Service Area No. 135 (Communications)
- City of Encinitas
- Metropolitan Water District of Southern California
- North County Cemetery District
- Resource Conservation District
- Olivenhain Municipal Water District
- San Diego County Water Authority
- San Diego County Flood Control District
- San Diego County Street Lighting District

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: Encinitas Elementary Union; San Dieguito High Union; and Mira Costa Community College.

² Key wastewater infrastructure includes 218 miles of collection lines that convey wastewater for treatment and discharge to the Encina Wastewater Authority; a joint-powers authority co-membered by the District and operator of the Encina Wastewater Pollution Control Facility in Carlsbad.

³ Leucadia WWD’s recycled water function (wholesale and retail) is authorized within an approximate 215-acre site currently developed as a golf course and part of the Omni La Costa Resort and Spa. This authorization is drawn from a grandfather determination made by the Executive Officer in January 2020 following receipt of a related request for clarification by Carlsbad Municipal Water District.

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.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the change of organization proposal to annex the affected territory to Leucadia WWD. 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 change of organization before San Diego LAFCO is to authorize wastewater services within the affected territory from Leucadia WWD and in doing so, accommodate a planned and otherwise probable lot division and construction of a second single-family residence. The timing of proposal follows the landowner’s own decision-making to prepare ahead of a probable urban lot split under the streamlining process now available under Senate Bill 9, which became effective January 1, 2022.⁵

Development Opportunities

The City of Encinitas General Plan designates the affected territory as Residential (R-3) along with a matching zoning assignment. The zoning assignment provides a minimum parcel size of 0.33 acres. This provides a maximum potential density of two parcels within the affected territory. The zoning assignment also allows each developed single-family residential parcel to construct one accessory dwelling unit.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for Leucadia WWD includes the affected territory and can readily accommodate the proposed annexation 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 modifications or terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law 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 relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

⁵ No other municipal service establishments are proposed given the affected territory is presently located within the City of Encinitas and accordingly receives a range of public services therein, including community planning, fire, police, roads, and parks. It also lies within the Olivenhain Municipal Water District.

Central Policy Items

Item No. 1 | Change of Organization Timing

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies as well as assessing the ability of subject agencies providing services going forward.⁶ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:
Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation’s relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the affected territory’s present and planned residential uses within a developed incorporated area provides a clear basis for receiving multiple municipal services when the timing is right – including wastewater. The Commission has previously designated Leucadia WWD as the ultimate wastewater service provider for the affected territory through the standing inclusion in the sphere. Annexation to Leucadia WWD memorializes this existing Commission expectation and accommodates the expressed interest of the current landowner as evident by their request to Leucadia WWD to initiate LAFCO proceedings. Accommodating wastewater connections in developed and/or developing urban areas serves as a preferred policy substitute to the private operation and maintenance of septic systems and their elevated risks to the local community and groundwater basins.

⁶ Reference to Government Code Section 56668.

- With respect to **service availability and capacities**, Leucadia WWD has established public wastewater services in proximity to the affected territory with the closest connected neighboring property approximately 210 feet to the south at 1117 Eolus Avenue. Physical access to the collection system is readily available in the public right-of-way on Eolus Avenue accessible through an approximate 50-foot private lateral connection. No extension of the public wastewater main is required to accommodate service. It is projected the maximum average day wastewater flow generated within the affected territory in the near-term via two dwelling units (one single-family residence and one accessory dwelling) is 444 gallons.⁷ This projected amount can be readily accommodated by Leucadia WWD and represents 0.014% of its available treatment capacity remaining within its wastewater system based on recent demands.⁸ Ultimate buildout based on current zoning involves a total of four units (two single family residences and two accessory dwellings) and would notionally increase the maximum average day demand to 888 gallons and take up 0.03% of the available and remaining daily contracted capacity allocated to Leucadia WWD. These projected demands can be readily accommodated without additional public resources.
- With respect to **related financial considerations**, Leucadia WWD has adequate financial resources and administrative controls to provide wastewater service to the affected territory without impacts to current ratepayers. The most recent audited statements show Leucadia WWD’s finished 2021-2022 with high and otherwise healthy liquidity and capital levels based on a current ratio of 79 to 1 and debt ratio of 4.4%, respectively. Leucadia WWD also finished with positive total margins in each of the last three years with an overall period average of 33.4%. Leucadia WWD last performed a rate study in 2018 in step with informing current wastewater charges, which include a one-time connection fee of \$5,089 per EDU as well as an annual usage charge of \$416 per unit.
- Timing Factor No. 2:
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.⁹ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

⁷ Based on a per unit daily demand estimate of 222 gallons.

⁸ Current available capacity assigned to Leucadia WWD is 3.1 million gallons.

⁹ The Executive Officer retains discretion to determine the extent of consultation needed

No jurisdictional disputes have been disclosed by Leucadia WWD in filing the reorganization proposal with LAFCO. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

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

The timing of the change of organization involving the annexation of the affected territory to Leucadia WWD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing to an existing and increasing need for public wastewater within an urban area through readily accessible public infrastructure and capacities. Annexation also – notably – serves to accommodate the Legislature’s interest in increasing the local housing supply through the streamlining processes established under Senate Bill 9, which is directly connected to the timing of the proposal. Additional analysis supporting the conclusion is provided in Appendix B.

**Item No. 2 |
Modifications and Terms**

No physical modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes noting annexation of the affected territory to Leucadia WWD would not result in any unserved corridors or other boundary irregularities. Staff is recommending applying standard terms of approval under Government Code Section 57302 along with incorporating the requested terms included in Leucadia WWD’s resolution of application, which are provided as Attachment Two and include the annexed property being subject to capacity fees, sewer service fees and all other District-wide Ordinances and Resolutions.

**CONCLUSION |
MODIFICATIONS AND TERMS**

No modifications to the proposed change of organization appear merited as detailed. Standard approval terms are recommended along with incorporating all requested terms forwarded by Leucadia WWD.

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 any jurisdictional change unless an applicable master agreement applies. The

associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Leucadia WWD.

Environmental Review

Leucadia WWD’s initiating actions involving the proposal require it to assess potential impacts and specifically the annexation and extension of public wastewater service to the affected territory as lead agency under CEQA. In this role as lead agency, Leucadia WWD has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). Staff independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.

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 the landowners have consented to the underlying action.¹⁰

RECOMMENDATION

Staff recommends approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with the action outlined 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 conditionally approving the proposal as submitted (without modifications) along with making required findings under CEQA. Protest proceedings would also be waived.

Alternative Two:

Continue consideration to the next regular meeting.

¹⁰ LAFCO law defines uninhabited as territory in which less than 12 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.

VI. 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,



Carolanne Ieromnimon
Analyst I

Appendices:

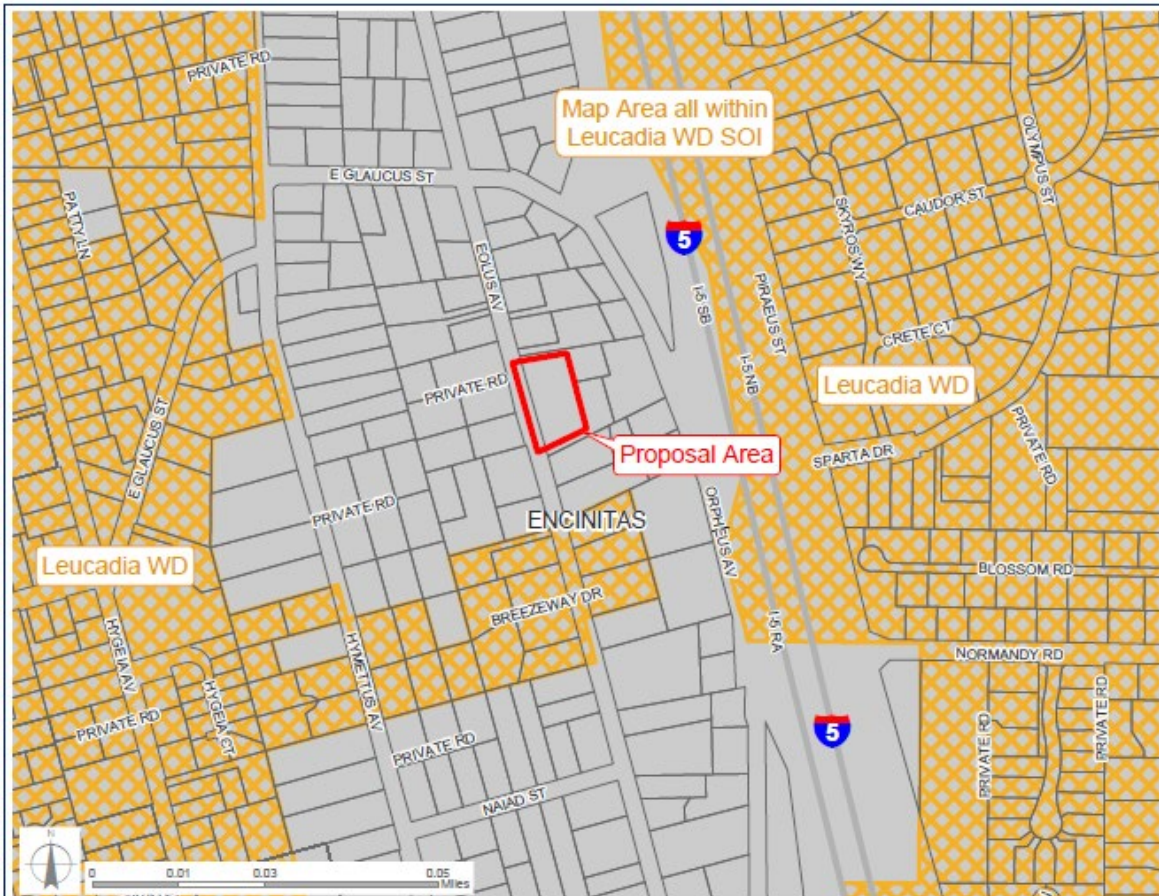
- A) Map of the Affected Territory
- B) Analysis Boundary Change Factors

Attachments:

- 1) Draft LAFCO Resolution of Approval
- 2) Resolution of Application from Leucadia WWD

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APPENDIX A Vicinity Map of the Affected Territory



CO22-13 "STITS - EOLUS AVENUE CHANGE OF ORGANIZATION" |
 ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

- Proposal Area
 - Leucadia WD
 - Leucadia WD SOI
- SOI = Sphere of Influence



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

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APPENDIX B
Government Code Section 56668
Mandatory 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, in the next 10 years.**

The affected territory as submitted includes one entire parcel currently developed with an unoccupied single-family residence. The subject parcel is approximately 0.7 acres in size and located at 1177 Eolus Avenue in the City of Encinitas. Additional residential density development (density and intensity) is expected within the surrounding area over the next 10 years consistent with the graduate transition of large residential estates to more dense residences consistent with current zoning, which provides minimum lot sizes of 0.33 acres. Total assessed land value (excludes improvements) of the subject parcel is \$208,888 with the last transaction recorded in December 2015 .

- 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 City of Encinitas serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, lighting, and public safety (police and fire protection). Other pertinent services involve retail water service from the San Dieguito Water District. This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The affected territory and its existing residential use are currently dependent on a conventional onsite underground septic disposal system. Following annexation, the existing septic system would be backfilled and abandoned as part of the connection to Leucadia WWD's wastewater system. Connection to Leucadia WWD is readily available through an approximate 50-foot lateral to an existing wastewater main located within the public right-of-way on Eolus Avenue. The projected average maximum daily wastewater flow for the affected territory in the near term to accommodate two units (two single-family residences) is 444 gallons. This projected amount represents 0.014% of the current 3.1 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD through the Encina Wastewater Authority. Ultimate buildout of the subject parcel under current zoning would increase the total number of units to four (two single-family residences and two accessory dwelling units) and raise the maximum average day demand to 888

gallons and take up 0.03% of the available/remaining 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.

Approving the change of organization and annexation therein to Leucadia WWD would strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing the lands within the District sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater services from Leucadia WWD when the timing is separately deemed appropriate and orderly.

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 change of organization and annexation to Leucadia WWD would facilitate the extension of public wastewater services to the affected territory and accommodate an existing single-family residence and the probable construction of a second single-family residence as part of an anticipated urban lot split under Senate Bill 9. 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 follows.

- 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 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.

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 presently contain “prime agricultural land”, or “agricultural land” 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 proposal and annexation to Leucadia WWD – would not adversely affect the physical or economic well-being 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

The proposed change of organization would extend wastewater service to one existing single-family residences and the probable construction of a second unit. The proposal and its anticipated outcomes do not generate any known conflicts 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 affected incorporated territory is presently designated for moderate-density single-family residential use under the adopted land use policies of the City of Encinitas. The affected territory is zoned as R-3, which prescribes a minimum parcel size of 0.33 acres. Extending public wastewater services to accommodating a planned second unit is consistent with the City General Plan and Zoning Ordinance.

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 Leucadia WWD. Annexation is consistent with this existing designation.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 30, 2023.

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 Leucadia WWD 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 following factors.

- Leucadia WWD’s last audit covers 2021-2022 and shows the District finished with high liquidity levels with an agency-wide current ratio of 79 (i.e., \$79.00 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2021-2022 with high capital levels and marked by a low debt ratio of 2.5% (i.e., only \$2.50 out of every \$100.00 in net assets are financed.)
- Leucadia WWD finished 2021-2022 with an overall total margin of 31.6%.

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

The affected territory’s existing residential uses are presently within and connected to Olivenhain Municipal Water District retail domestic water system with wholesale supplies provided by the San Diego County Water Authority and Metropolitan Water District of Southern California. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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 City of Encinitas by the region’s council of governments (SANDAG). The annexation to the Leucadia WWD 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 landowners support the proposed change of organization and have provided written consent to the proceedings.

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.

The change of organization is intended to replace an aging septic system and make available public wastewater service to the affected territory and accordingly serves to promote environmental justice through additional accountability for all residents - including groups that have been historically marginalized and/or susceptible to pollution burdens and their effects. This latter category – notably – consists of low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California and are shown in the proceeding tables.

Census Tract 6073017601	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073017601 + Surrounding Lands
No. of Census Tracts	1
Estimated Population	5,584
Pollution Burden	Weighted Percentile
... Composite Score	52.52
... Percentile	1.55
Indicator Air Quality: Ozone	32.15
Indicator Air Quality: PM 2.5:	40.85
Indicator Air Quality: Diesel PM:	50.55
Indicator Pesticides:	59.14
Indicator Toxic Releases:	18.44
Indicator Traffic:	81.39
Indicator Drinking Water Contaminants:	30.62
Indicator Lead in Housing:	12.35
Effects Cleanup Sites:	0.00
Effects Groundwater Threats:	92.48
Effects Hazardous Waste:	31.38
Effects Impaired Water:	66.74
Effects Solid Waste:	52.90
Sensitive Population	Weighted Percentile
... Percentile	0.37
Population Asthma:	2.54
Population Low Birth Weight:	4.36
Population Cardiovascular Disease:	9.07
Population Education:	10.31
Population Linguistic Isolation:	5.64
Population Poverty:	6.08
Population Unemployment:	0.00
Population Housing Burden:	24.46

- 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 City of Encinitas General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies outside any identified threat designations.

- r) 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.

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“STITS-EOLUS AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT (CO22-13)
LAFCO FILE NO. CO22-13**

WHEREAS, on October 3, 2022, Leucadia Wastewater District (WD) filed a resolution 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 0.84 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one legal parcel that is developed with a single-family residence and identified by the County of San Diego Assessor’s Office as 254-382-18; and

WHEREAS, the affected territory as proposed also includes a portion of the public right of way on Eolus Avenue to the center line; 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 February 6, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 as well as 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 responsible agency for environmental review of the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) Leucadia Wastewater District serves as lead agency under CEQA for assessing potential impacts of the proposal and specifically the concurrent annexation of the affected territory to the Leucadia Wastewater District. In this role as lead agency, Leucadia Wastewater District has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). The Commission independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.
4. The Commission APPROVES the change of organization without modifications as described below and subject to conditions as provided. Approval involves all of the following:
 - a) Annexation of the affected territory to the Leucadia Wastewater 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 February 6, 2024 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 Exemptions consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation:
"Stits-Eolus Avenue 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 Leucadia Wastewater District is a registered-voter districts.
10. The Leucadia Wastewater 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 Leucadia Wastewater 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 transmit 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 February, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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LEADERS IN
ENVIRONMENTAL
PROTECTION

BOARD OF DIRECTORS
Judy Hanson, President
Elaine Sullivan, Vice President
Matthew S. Brown, Director
Donald F. Omsted, Director
Chris Roesink, Director
Paul J. Bushee, General Manager

Ref: 23-8196

September 29, 2022

San Diego LAFCO
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Dear Mr. Simonds:

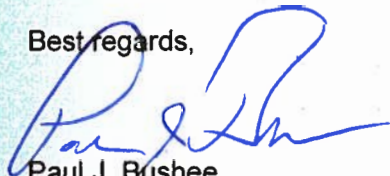
The Leucadia Wastewater District requests that the San Diego County LAFCO take proceedings for the proposed *Stits* Change of Organization. The proposed Change of Organization relates to the annexation of a property into the Leucadia Wastewater District.

The following materials are submitted pursuant to this request:

1. Completed LAFCO Application
2. Certified District Resolution of Application (Resolution No. 2383 included)
3. Metes and Bounds and Parcel/Plat Map
4. CEQA Notice of Exemption
5. LAFCO Processing Fee in the amount of \$6,405.00

Thank you for your attention to this matter. If you have any questions, please contact me at (760) 753-0155.

Best regards,



Paul J. Bushee,
General Manager

Cc: File

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION**

The following information must be submitted when filing a change of organization or reorganization proposal with the San Diego Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal.

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or
(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
 - (a) **INITIAL STUDY**: Submit completed form (available from LAFCO) if no environmental review has been conducted;
 - (b) **CATEGORICAL EXEMPTION**: Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
 - (c) **NEGATIVE DECLARATION (ND)**: Submit document with certifying resolution and Initial Study*;
 - (d) **ENVIRONMENTAL IMPACT REPORT (EIR)**: Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS**: If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at <http://www.sdlafco.org/forms/Legislative Policy L 107.pdf>.
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
- 10. **LAFCO processing fees**. The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
9335 Hazard Way · Suite 200 · San Diego, CA 92123
(858) 614-7755 · www.sdlafco.org**

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

The information in this application is used by LAFCO staff to evaluate proposals for changes of government organization. Please respond to **all** items in this form, indicating "NA" when an item does **not** apply.

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. <u>Leucadia Wastewater District</u>	1. <u>Annexation</u>
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

As part of this application, the City of _____ or the Leucadia Wastewater District, Kimberly Stits (the applicant), and/or the _____ (real party in interest): subject landowner and/or registered voter agrees to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul San Diego LAFCO's review, approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees, expert witness fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. Applicant and/or real party in interest agree that San Diego LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest and that San Diego LAFCO's taking such action does not limit the obligations to indemnify and reimburse San Diego LAFCO's defense costs. This defense and indemnification obligation shall apply whether or not there is concurrent passive or active negligence on the part of the San Diego LAFCO, its agents, officers, attorneys, or employee. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of _____ or the Leucadia Wastewater district may result in the imposition of taxes, fees and assessments *existing within the (city or district)* on the effective date of annexation. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those *existing taxes, fees and assessments*.

Agreed: _____
 Signature:  Date: 6-28-22

Print/Type Name: Kimberly J Stits

Address: 1177 Eolus Ave Encinitas CA 92024

kimccdesign@gmail.com Telephone: (760) 533-8006

Property Address: 1177 Eolus Ave Encinitas, CA 92024

Cross Street(s): East Glaucus Street

Assessor Parcel Number(s): 254-382-18-00 Acres: 0.841

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.

Name: _____

Address: _____

Telephone: () _____

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary *at this time* (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). _____

Lot with existing single family residence to be split (SB9) to create a new parcel.

2. Describe the use of *developed* property within the proposal territory, including details about existing structures. Describe anticipated development of *vacant* property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. _____

One existing SFD on parcel.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. _____

The existing property is located west of the I-5 freeway, north of Leucadia Blvd.,

South of Glaucus Street

4. How many residents live within the proposal territory? 0

5. How many of these residents are registered voters? 0

6. Are there any jurisdictional issues associated with the LAFCO proposal or pending LAFCO action?

NO YES (If yes, please complete the Policy L-107 form at http://www.sdlafoo.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

If the proposal territory is *not* within an incorporated city, San Diego County General Plan and zoning information may be obtained by calling (858) 565-5981 or toll-free (888) 267-8770 with the Assessor Parcel Number(s) of the subject property. If the proposal territory is within a city, please call the appropriate city's planning department for General Plan and zoning information.

1. COUNTY:

(a) The territory is within the City of Encinitas community plan.

(b) The County General Plan or community plan designation and allowed density: N/A

(c) Current County zoning and allowed density: N/A

2. CITY:

(a) The territory is within the general plan area for the City of Encinitas

(b) The City General Plan land use designation and allowed density: Residential R-3

(c) Current City zoning and allowed density: Residential R-3

(d) Current City prezoning and allowed density: N/A

3. Indicate below **all** permits or approvals that will be needed by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date.

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Tentative Parcel Map			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Major Use Permit			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City/County General Plan Amendment			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City Prezoning			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
County Rezone			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(Other)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

4. Describe the land uses surrounding the proposal territory (e.g., residential, commercial, agricultural, industrial, open space, etc.).

North: Residential East: Residential
 South: Residential West: Residential

5. Indicate with a if any portion of the proposal territory contains the following:

- Agricultural land uses Agricultural Preserve
- Open Space Easement Slopes greater than 25%
- Sewer moratorium area Coastal Permit Zone
- Unusual features such as: _____

6. For city annexation proposals: Is any part of the proposal territory under a Williamson Act contract? If yes, please contact the LAFCO office for special instructions regarding petition/resolution of application requirements. YES NO

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? YES NO
(b) *If yes*, which agency? _____
2. (a) Is a developed parcel in need of annexation due to failed septic system? YES NO
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.
(c) *If no*, is annexation for sewer service part of this application? YES NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? Leucadia Wastewater District
4. (a) Has the agency that will be providing service issued a letter of sewer availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation? YES NO
(b) *If no*, please explain: _____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? YES NO
(b) *If yes*, which agency? San Dieguito Water District
2. Is a well or other on-site water system currently used on the property? YES NO
3. Is an on-site system proposed to be used when the property is developed? YES NO
4. (a) Is annexation for water service part of this application? YES NO
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? _____
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation? YES NO
5. (a) Has the agency that will be providing service issued a letter of water availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES: NOTE: Complete the following section *only* if annexation to a fire protection service provider is proposed—or if the current fire protection service provider is proposed to change.

1. (a) Is the proposal territory *currently* within an agency that provides fire protection? YES NO
(b) *If yes*, provide name and address/location of current fire service provider

(c) Provide estimated response times to the proposal territory:

priority _____ minutes; non-priority _____ minutes

2. Is annexation for fire protection service part of this application? YES NO
3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of the proposed fire service provider: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

POLICE PROTECTION SERVICES: NOTE: Complete the following section *only* if the police protection provider is proposed to change.

1. Which police agency *currently* serves the proposal territory?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory: priority _____ minutes; non-priority _____ minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

² "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at <http://www.sdlafco.org/document/CommRoster.pdf>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____
Annexation into Leucadia Wastewater

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. None
2. _____

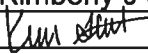
(c) Date and amount of contribution:

Date _____ Amount \$ None
Date _____ Amount \$ _____

(d) Name of commissioner to whom contribution was made:

1. N/A
2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name Kimberly J Stits
Signature 
Date 6-28-22 Phone 760-533-8006

To be completed by LAFCO:
Proposal:
Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

Effective January 1, 2008, expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- 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 of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- 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 filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 et seq. apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with San Diego LAFCO?

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

Note: Processing of jurisdictional boundary change proposals, which involve *uninhabited*¹ territory, can be expedited by approximately 60 days if all affected landowners consent to the proposal. If you wish to take advantage of this option, please return the completed PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY to San Diego LAFCO with your application for a jurisdictional boundary change. If consenting signatures of **100%** of the affected property owners are affixed and LAFCO does not receive any opposition from subject agencies, the Commission may consider the proposal without public notice, public hearing and/or an election.

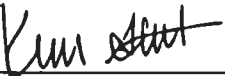
¹ Territory included within a proposed boundary change that includes less-than 1/2 registered voters is considered *uninhabited* (Government Code 56045).

The undersigned owners(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization or reorganization consisting of:

(Please list all proposed actions)

Annexation to: 1. Leucadia Wastewater District
 2. _____
 3. _____

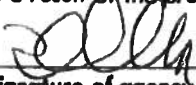
Detachment from: 1. _____
 2. _____
 3. _____

	<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1.	6-28-22		254-382-18-00
2.			
3.			
4.			
5.			

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

NOTE: A copy of this form must be completed and signed by each local agency that will gain or lose territory as a result of the proposed jurisdictional boundary change. Attach additional sheets if necessary.

 _____ Signature of agency representative District Engineer	Dexter Wilson _____ Print name
_____ Title (760)438-4422 _____ Telephone	8/8/22 _____ Date

A. JURISDICTIONAL INFORMATION:

Name of agency:
Leucadia Wastewater District

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
 If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
 If yes, please provide details of all costs: Sewer capacity fees-TBD
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

EXPEDITED PROPOSAL PROCESSING: Processing of jurisdictional boundary change proposals can be expedited by approximately 60 days if all affected landowners consent to the waiver of protest and termination (conducting authority) proceedings and subject agencies do not oppose the waiver. If you do NOT want to waive these proceedings, then attach a written statement to the subject agency information form containing a signature, date, and declaration of opposition to a waiver of such proceedings.

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? 31,945 EDUs

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? _____
Approximately 4.0 mgd daily average

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?
Approximately 9.0 mgd (peak daily instantaneous flow)
(b) What is the agency's peak flow capacity (expressed in million gallons per day)?
Approximately 15.5 mgd (peak instantaneous flow)
(c) Has the agency exceeded the flow (peak) capacity within the past two years? YES NO
(d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? YES NO
(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? 2 EDU's
(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? YES NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? YES NO
(b) *If yes*, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):

(c) *If no*, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: _____

7. Will the proposal territory be annexed to a sewer improvement district? YES NO

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 50 feet.
(b) Describe the location of the connection to the agency's existing sewer system:
Onsite private sewer lateral will connect to public sewer in street.

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? YES NO
- (b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

- (c) *If no*, what plans does the agency have to increase its water capacity?

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): _____

3. (a) Has the agency issued a letter of water availability for the proposal territory? YES NO
- (b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
4. (a) The distance for connection of the proposal territory to the agency's existing water system is _____ feet.
- (b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? YES NO
- (b) *If yes*, describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? YES NO
- (b) *If yes*, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

- (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.
- (d) Describe the location of the connection to the agency's existing reclaimed water system: _____
- (e) *If no*, has the agency considered availability of reclaimed water to the proposal territory? YES NO
- (f) What restrictions prevent use of reclaimed water? _____

7. Will the proposal territory be annexed to an improvement district? YES NO

RESOLUTION NO. 2383

**A RESOLUTION OF APPLICATION BY THE
BOARD OF DIRECTORS OF LEUCADIA WASTEWATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE PROPOSED
STITS CHANGE OF ORGANIZATION**

RESOLVED, by the Board of Directors of the Leucadia Wastewater District, that

WHEREAS, the Board of Directors of the LEUCADIA WASTEWATER DISTRICT (LWD), 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 Stits Change of Organization; and

WHEREAS, the proposed Stits Change of Organization includes annexation of the Stits territory (*APNs 254-382-18-00*) to the LWD; and

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

1. LWD is empowered to and is engaged in the collection, treatment, and disposal of wastewater and has existing facilities to provide wastewater service to the territory proposed to be annexed.
2. The owners of the territory desire to utilize the LWD facilities.
3. The territory to be annexed is within LWD's Sphere of Influence.

WHEREAS, the territory subject to the proposed Change of Organization is inhabited, 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, LWD requests that the proposed Change of Organization be subject to the following terms and conditions:

1. The annexed property is thereafter subject to capacity fees, sewer service fees, and all other district-wide Ordinances and Resolutions of LWD.

WHEREAS, LAFCO is authorized to approve this proposed Change of Organization 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.

WHEREAS, the staff of LWD has reviewed this proposed Change of Organization under the California Environmental Quality Act (CEQA) and has found it to be categorically exempt from CEQA pursuant to Section 15319 (a) of the California Environmental Quality Act.

NOW, THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the LEUCADIA WASTEWATER 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 AND ADOPTED at a Regular meeting of the Board of Directors held on September 14th, 2022 by the following vote:

AYES: Hanson, Sullivan, Brown, Roesink, Omsted
NOES: None
ABSTAIN: None
ABSENT: None



Judy Hanson, President

ATTEST: 

Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"
STITS ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN PROPERTY, SITUATED IN A PORTION OF LOT 4 IN BLOCK F OF SOUTH COAST PARK ANNEX, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON MARCH 29, 1924 AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF EOLUS AVENUE AND GLAUCUS STREET AS SHOWN ON SAID MAP 1788; THENCE

1. SOUTH 15°43'30" EAST 554.91 FEET ALONG THE CENTERLINE OF SAID EOLUS AVENUE TO THE NORTHWESTERLY CORNER OF SAID PORTION OF LOT 4 BEING THE TRUE POINT OF BEGINNING; THENCE
2. NORTH 80°16'30" EAST 150.50 FEET; THENCE
3. SOUTH 15°43'30" EAST 222.90 FEET; THENCE
4. SOUTH 63°34'50" WEST 152.32 FEET TO SAID CENTERLINE OF EOLUS AVENUE; THENCE
5. NORTH 15°43'30" WEST 266.90 FEET ALONG SAID CENTERLINE OF EOLUS AVENUE TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.841 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

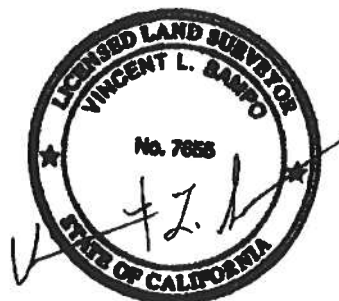
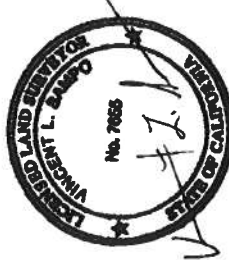
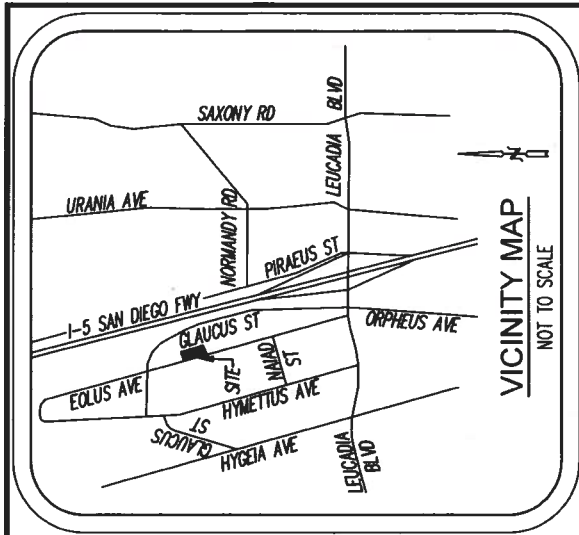
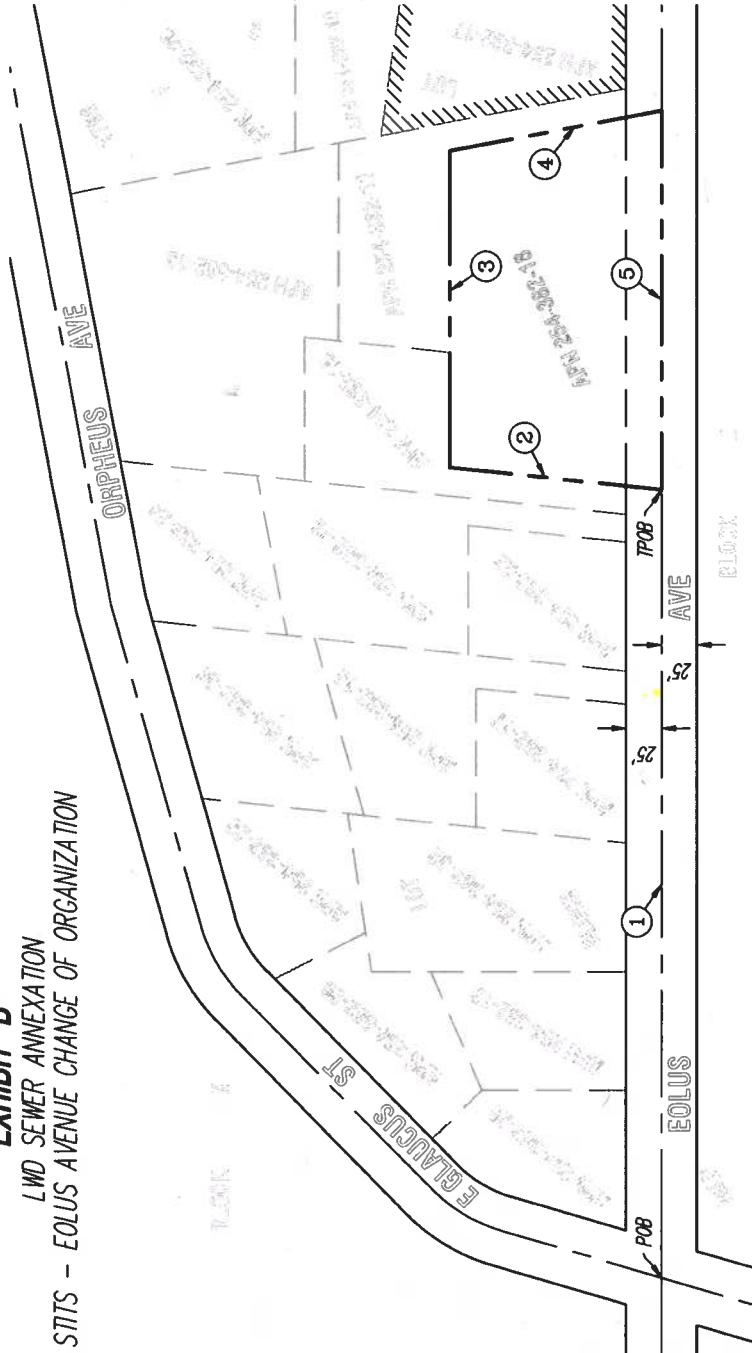


EXHIBIT "B"
 LWD SEWER ANNEXATION
 STITS - EOLUS AVENUE CHANGE OF ORGANIZATION



SCALE: 1" = 100'



COURSES

1. SOUTH 15°43'30" EAST 554.91'
2. NORTH 80°16'30" EAST 150.50'
3. SOUTH 15°43'30" EAST 222.90'
4. SOUTH 63°34'50" WEST 152.32'
5. NORTH 15°43'30" WEST 266.90'

LEGEND:

- PARCEL TO BE ANNEXED:
- PROPERTY LINE:
- RIGHT-OF-WAY:
- PARCEL "A" METES & BOUNDS:
- LWD BOUNDARY:

JN: 22-144 DATE: 8.16.22
CHELST
 171 SAXONY RD, STE. 211, ENWYAS, CA 92024
 TEL: (760) 435-0880 FAX: (760) 435-0859

ASSESSOR'S PARCEL NUMBER: 254-382-18
 LAFCO REFERENCE NO.: XXXX-XX
 ACREAGE: 0.841AC
 LEUCADIA WASTEWATER DISTRICT ANNEXATION
 MAP 177, PORTION OF LOT 4 IN BLOCK "T" OF SOUTH COAST PARK

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

County Clerk
County of: San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92101

(Address)

Project Title: Stits Annexation

Project Applicant: Kimberly Stits (760) 533-8006

Project Location - Specific:
1177 Eolus Avenue, Encinitas, CA 92024

Project Location - City: Encinitas Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:
Annexation of 0.841 acres, which includes 1 parcel with an existing-family residence and a proposed lot split, to the Leucadia Wastewater District for the purpose of providing sewer service to both parcels. The parcel is currently on a septic system. APN 254-382-18-00.

Name of Public Agency Approving Project: Leucadia Wastewater District (LWD)

Name of Person or Agency Carrying Out Project: Annex. by LWD, sewer connection by property owner

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15319 (a)
- Statutory Exemptions. State code number: _____

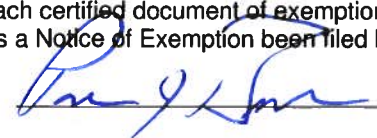
Reasons why project is exempt:

The action is exempt in accordance with CEQA Guidelines: 15319, Annexation of Existing Facilities and Lots for Exempt Facilities, Class 19, Section (a). Annexation of the parcels into LWD is for the sole purpose to connect to the existing sewer public system (sewer system). The property will owner be required to connect the new private sewer laterals to the extended public sewer system on Sunset Drive.

Lead Agency
Contact Person: Mr. Paul J. Bushee Area Code/Telephone/Extension: 760-753-0155

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 9/29/2000 Title: General Manager

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



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

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AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Erica Blom, Executive Assistant

SUBJECT: **Budget Update for 2022-2023 |**
2nd Quarter Actuals with Year-End Projections

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will review a report comparing budgeted and actual transactions through the second quarter of 2022-2023 and related analysis. The Commission finished the quarter expending 45.3% of budgeted expenses while collecting 89.4% of budgeted revenues. The report projects the Commission will finish the fiscal year generally as expected with a modest net surplus of \$0.045 million or 2.0%. No amendments are recommended at this time, although likely before the end of the fiscal year as detailed. The report is being presented to the Commission to formally accept as well as to provide direction to staff as needed.

BACKGROUND

San Diego LAFCO’s adopted budget for 2022-2023 totals \$2,260,664. This amount represents the total approved expenditures – operating and non-operating – for the current fiscal year and divided between \$1.254 million in employee costs and \$1.006 million in non-employee costs. A matching revenue total is also budgeted with four-fifths of the funding tied to appropriations collected from local agencies. The total unrestricted fund balance as of July 1, 2022 was \$1.520 million (unaudited) with \$0.870 million unassigned.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcountry.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protector</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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DISCUSSION

This item is for San Diego LAFCO to receive an update comparison of budget to actual expenses and revenues through the second quarter (December 31, 2022). The report provides the Commission the opportunity to track trends and provide related direction as needed.

Expenses

San Diego LAFCO's budgeted expense total for 2022-2023 is \$2.260 million. Actual expenses booked through the second quarter total \$1.025 million. This booked amount represents 45.3% of the budgeted total with 50% of the fiscal year complete. The actuals paired with staff analysis suggests LAFCO is on pace to finish with \$2.247 million in total expenses. Should this projection hold, LAFCO will achieve an unexpended budgeted savings in expenses of \$0.014 million or 0.6%. An expanded discussion on budgeted and actuals through the first six months along with year-end projections within the three expense units follow.

Expense Unit | Salaries and Benefits

LAFCO has budgeted \$1.254 million in salaries and benefits in 2022-2023 with the proceeds largely tied to funding 8.0 fulltime equivalent positions.¹ Actual expenses through the second quarter total \$0.567 million or 45.2% of the budgeted amount with 50% of the fiscal year complete. Going forward it is expected overall actuals will total \$1.167 million through the end of the fiscal year with the reduction attributed to a prolonged vacancy in one of the budgeted analyst positions. If this projection holds, LAFCO will experience an overall unit surplus of \$0.087 million or 7.0% less any new amendments.

Expense Unit | Services and Supplies

LAFCO has budgeted \$0.753 million in services and supplies for 2022-2023 with the proceeds largely tied to payments to the County of San Diego for information technology and general support followed by a range of professional service expenses (i.e., legal, consultants, etc.). Actuals through the second quarter total \$0.379 million or 50.2% of the budgeted amount with 50% of the fiscal year complete. Going forward it is expected overall actuals will total \$0.827 million through the end of the fiscal year and this includes absorbing additional consultant usage. If this projection holds, LAFCO will experience an overall unit shortfall of (\$0.073 million) or (9.7%) less any new amendments.

Expense Unit | Non-Operating

LAFCO has budgeted \$0.253 million in non-operating costs involving debt service and grant payments in 2022-2023. Total expenses billed within this unit during the second quarter total \$0.079 million and equals 31.2% of the budgeted amount. Going forward it is expected actuals will total \$0.253 million and result in a year-end net-zero balance.

¹ Other expenses booked in the salaries account include per diems, intern pay, and performance awards.

Revenues

San Diego LAFCO's budgeted revenue total for 2022-2023 is \$2.260 million. Actual revenues collected through the second quarter totals \$2.021 million. This amount represents 89.4% of the budgeted total with 50% of the fiscal year complete. These actuals paired with staff analysis suggest LAFCO's year-end revenue will total \$2.291 million. Should this projection hold, LAFCO will experience a budgeted surplus of \$0.030 million or 1.3% and attributed to excess application fees. An expanded discussion on budgeted and actual revenues through the first six months along with year-end projections follows.

Revenue Unit | Intergovernmental Fees

LAFCO has budgeted \$1.804 million in intergovernmental fees in 2022-2023. This total budgeted amount is divided between LAFCO's four agency membership categories based on statutory formula. All invoices have been received.

Revenue Unit | Service Charges

LAFCO has budgeted \$0.170 million in application fees in 2022-2023. Actuals through the second quarter totals \$0.144 million and represents 84.7% of the budgeted amount with 50% of the fiscal year complete. Staff anticipates the application fees will ultimately tally \$0.206 million, which would result in a year-end surplus of \$0.036 million or 21.4% less any new amendments.

Revenue Unit | Interest

LAFCO has budgeted \$0.015 million in interest earnings in 2022-2023. Actuals through the second quarter totals \$0.004 million and represents 24.2% of the budgeted total with 50% of the fiscal year complete. Staff anticipates interest collections will ultimately tally \$0.009 million and result in a year-end deficit of (\$0.006 million) or (39.6%).

Revenue Unit | Non-Operating

LAFCO has budgeted \$0.271 million in non-operating revenues involving fund balance usage and grant awards in 2022-2023. Actuals through the second quarter totals \$0.070 million and represents 25.8% of the budgeted total with 50% of the fiscal year complete. Staff anticipates full collection by the end of the fiscal year.

ANALYSIS

Activity through the second quarter of the fiscal year shows San Diego LAFCO is generally proceeding as planned and there are no significant outliers in either actual expenses or revenues. The extended vacancy in one of the budgeted analyst positions and the corresponding need for additional consultant usage – however – will necessitate amendments to transfer monies from the labor unit to non-labor unit and thereby ensuring the latter finishes in the black. These amendments will be presented as part of the third quarter review. Overall,

staff projects the Commission will finish with a modest net surplus of \$0.045 million or 2.0% and largely attributed to additional proposal filing fees.

RECOMMENDATION

It is recommended San Diego LAFCO accept and file the report and provide related direction to staff as needed. This recommendation is consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

Accept and file the report with any additional direction to staff as needed.

Alternative Two:

Continue to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

PROCEDURES

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

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) 2022-2023 Budget with Actuals Through December 31, 2022 and Year-End Projections

EXPENSES	FY2021-2022			FY2022-2023							
	Final	Amended	Actuals	Adopted	Amended	Actuals 2nd Quarter	Actuals % of Budget	Projected Year End	Projected % Expended	Projected \$ Balance	
Salaries and Benefits Unit											
<u>Account No.</u>	<u>Description</u>										
51110-51310	Salaries and Wages	756,365	701,365	710,875	786,510	786,510	361,936	46.0%	736,983	93.7%	49,527
51410	Retirement - SDCERA	301,077	241,077	238,521	275,694	275,694	127,013	46.1%	260,916	94.6%	14,778
51415	Retirement - OPEB	9,164	9,164	7,744	9,030	9,030	4,024	44.6%	8,382	92.8%	648
51421	Retirement - OPEB Bonds	37,655	37,655	31,780	-	-	-	0.0%	-	0.0%	-
51450	Payroll Taxes	55,934	55,934	50,568	55,537	55,537	23,265	41.9%	50,139	90.3%	5,398
51510-51550	Group Insurance	130,169	110,169	104,715	125,476	125,476	50,808	40.5%	109,859	87.6%	15,617
51560	Unemployment Insurance	2,000	2,000	406	2,000	2,000	227	11.4%	568	28.4%	1,433
		1,292,364	1,157,365	1,144,609	1,254,248	1,254,248	567,273	45.2%	1,166,848	93.0%	87,400
Services and Supplies Unit											
<u>Account No.</u>	<u>Description</u>										
52074	Communications	6,336	6,336	7,562	12,961	12,961	2,366	18.3%	10,782	83.2%	2,180
52138	General Liability Insurance	10,788	10,788	12,402	12,402	12,402	12,737	102.7%	12,737	102.7%	(335)
52178	Vehicle - Maintenance	980	980	1,251	980	980	695	70.9%	1,195	121.9%	(215)
52182	Vehicle - Fuel	500	500	128	500	500	212	42.3%	500	100.0%	-
52270	Memberships	25,510	25,510	21,989	30,248	30,248	19,798	65.5%	26,948	89.1%	3,300
52304	Miscellaneous	50	50	146	50	50	8	16.0%	50	100.0%	-
52330	Office: General	6,420	6,420	13,519	8,211	8,211	6,861	83.6%	10,500	127.9%	(2,289)
52332	Office: Postage	250	250	219	250	250	22	8.8%	100	40.0%	150
52334	Office: Printing	8,000	8,000	20,124	15,000	15,000	5,674	37.8%	14,186	94.6%	814
52336	Office: Books and Guidelines	2,000	2,000	-	2,000	2,000	-	0.0%	250	12.5%	1,750
52338	Office: Drafting/Engineering	50	50	-	50	50	-	0.0%	-	0.0%	50
52344	Office: Supplies and Furnishings	14,300	69,300	59,726	14,600	14,600	1,954	13.4%	9,454	64.8%	5,146
52354	Office: County Mail Services	10,000	10,000	8,095	10,000	10,000	5,731	57.3%	11,463	114.6%	(1,463)
52370	Professional Services: Consultants	199,740	321,740	326,659	270,960	270,960	142,119	52.4%	355,297	131.1%	(84,336)
52490	Publications and Legal Notices	4,650	4,650	17,437	4,650	4,650	10,322	222.0%	15,483	333.0%	(10,833)
52504	Leases: Equipment	6,600	6,600	6,520	6,600	6,600	2,473	37.5%	6,182	93.7%	418
52530	Leases: Office Space	89,764	89,764	100,303	137,868	137,868	69,380	50.3%	138,759	100.6%	(891)
52550	Special Expenses: County Overhead	75,346	75,346	36,865	72,466	72,466	15,716	21.7%	35,360	48.8%	37,106
52562	Special Expenses: New Hire Backgrounds	-	-	49	-	-	270	-	270	-	(270)
52566	Special Expenses: Minor Equipment	500	500	1,485	500	500	-	0.0%	-	0.0%	500
52602	Computer Training	500	500	-	500	500	-	0.0%	-	0.0%	500
52610	Travel and Training In County	3,000	3,000	4,502	2,700	2,700	2,403	89.0%	3,604	133.5%	(904)
52612	Employee Auto	8,700	8,700	7,766	8,700	8,700	4,033	46.4%	8,066	92.7%	634
52622	Travel and Training Out of County	5,000	5,000	-	16,050	16,050	7,876	49.1%	12,876	80.2%	3,174
52721	IT Reimbursements: Network	30,000	30,000	36,411	26,553	26,553	8,069	30.4%	18,155	68.4%	8,398
52723	IT Reimbursements: Data Center	40,000	40,000	27,761	29,015	29,015	13,936	48.0%	31,357	108.1%	(2,342)
52725+28	IT Reimbursements: Financial Systems	20,000	20,000	18,973	40,146	40,146	13,083	32.6%	29,438	73.3%	10,708
52732	IT Reimbursements: Desktop Computing	25,000	25,000	71,257	21,488	21,488	11,693	54.4%	26,310	122.4%	(4,823)
52734	IT Reimbursements: Help Desk	3,000	3,000	2,218	2,331	2,331	1,032	44.3%	2,322	99.6%	10
52750	IT Reimbursements: Catalog Equipment	45,000	45,000	13,938	3,748	3,748	19,172	511.6%	43,138	1151.1%	(39,390)
52758	Fleet Reimbursements: Vehicle Lease	2,000	2,000	1,986	2,000	2,000	993	49.6%	1,986	99.3%	14
		643,984	820,983	819,291	753,528	753,528	378,628	50.2%	826,767	109.7%	(73,239)

EXPENSES CONTINUED...

		FY2021-2022			FY2022-2023						
		Final	Amended	Actuals	Adopted	Amended	Actuals 2nd Quarter	Actuals % of Budget	Projected Year End	Projected % Expended	Projected \$ Balance
Non Operating Unit											
<u>Account No.</u>	<u>Description</u>										
51421	Debt Service: OPEB Obligation Bonds	-	-	-	37,388	37,388	16,471	44.1%	37,388	100.0%	-
53585	Equipment Depreciation	2,500	2,500	-	-	-	-	0.0%	-	-	-
TBD	Grant Award Payments	-	34,768	34,768	-	215,500	62,522	29.0%	215,500	100.0%	-
54955-54961	Fixed Assets	2,500	2,500	-	-	-	-	0.0%	-	-	-
		<u>5,000</u>	<u>39,768</u>	<u>34,768</u>	<u>37,388</u>	<u>252,888</u>	<u>78,993</u>	<u>31.2%</u>	<u>252,888</u>	<u>100.0%</u>	<u>-</u>
	EXPENSE TOTALS	1,941,348	2,018,116	1,998,668	2,045,163	2,260,664	1,024,894	45.3%	2,246,503	99.4%	14,161

REVENUES

		FY2021-2022			FY2022-2023						
		Final	Amended	Actuals	Adopted	Amended	Actuals 2nd Quarter	Actuals % of Budget	Projected Year End	Projected % Collected	Projected \$ Balance
Intergovernmental Unit											
<u>Account No.</u>	<u>Description</u>										
45918.1	Apportionments County	483,914	483,914	483,914	515,479	515,479	515,479	100.0%	515,479	100.0%	-
45918.2	Apportionments Cities (less SD)	483,914	483,914	483,914	515,479	515,479	515,479	100.0%	515,479	100.0%	-
45918.3	Apportionments City of San Diego	241,957	241,957	241,957	257,830	257,830	257,830	100.0%	257,830	100.0%	-
45918.4	Apportionments Special Districts	483,914	483,914	483,914	515,479	515,479	515,479	100.0%	515,479	100.0%	-
		<u>1,693,700</u>	<u>1,693,700</u>	<u>1,693,700</u>	<u>1,804,265</u>	<u>1,804,266</u>	<u>1,804,267</u>	<u>100.0%</u>	<u>1,804,266</u>	<u>100.0%</u>	<u>-</u>
Service Charges Unit											
<u>Account No.</u>	<u>Description</u>										
46234	Application Fees	150,000	150,000	222,221	170,000	170,000	143,934	84.7%	206,434	121.4%	36,434
		<u>150,000</u>	<u>150,000</u>	<u>222,221</u>	<u>170,000</u>	<u>170,000</u>	<u>143,934</u>	<u>84.7%</u>	<u>206,434</u>	<u>121.4%</u>	<u>36,434</u>
Earnings Unit											
<u>Account No.</u>	<u>Description</u>										
44105	Interest and Dividends	15,000	15,000	5,205	15,000	15,000	3,623	24.2%	9,058	60.4%	(5,943)
		<u>15,000</u>	<u>15,000</u>	<u>5,205</u>	<u>15,000</u>	<u>15,000</u>	<u>3,623</u>	<u>24.2%</u>	<u>9,058</u>	<u>60.4%</u>	<u>(5,943)</u>
Non-Operating Unit											
<u>Account No.</u>	<u>Description</u>										
TBD	Grant Awards	-	19,011	19,011	-	215,500	70,128	32.5%	215,500	100.0%	-
47540	Transfer from Fund Balance	82,648	82,648	82,648	55,898	55,898	-	-	55,898	100.0%	-
		<u>82,648</u>	<u>101,659</u>	<u>101,659</u>	<u>55,898</u>	<u>271,398</u>	<u>70,128</u>	<u>25.8%</u>	<u>271,398</u>	<u>100.0%</u>	<u>-</u>
	REVENUE TOTALS	1,941,348	1,960,359	2,022,785	2,045,163	2,260,664	2,021,952	89.4%	2,291,155	101.3%	30,492

OPERATING NET

24,117

-

-

44,652

FUND BALANCE

(unrestricted)

End of Year

Budgeted

Committed

... Stabilization

250,000

250,000

... Opportunity

300,000

300,000

Assigned by EO

100,437

125,000

Unassigned

870,118

814,220

1,520,555

1,489,220



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

5f

AGENDA REPORT
 Consent | Information

February 6, 2023

TO: Commissioners
FROM: Carolanne Ieromnimon, Analyst I
SUBJECT: Report on Active Proposals and Related Activities

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a status report on the 24 active proposals currently on file as well as anticipated filings based on ongoing discussions with proponents. The item is for information and concurrently satisfies LAFCO’s reporting requirement involving petition-initiated proposals.

BACKGROUND

Processing Procedures and Timelines

LAFCO proceedings for jurisdictional changes are generally initiated by outside applicants through petitions (landowners or voters), and to a lesser degree by resolutions (local agencies). LAFCOs may also initiate jurisdictional changes to form, consolidate, or dissolve special districts if consistent with the recommendations of approved municipal service reviews. Most jurisdictional change filings take three to five months before they are scheduled for hearing. Applications for outside-of-agency service approvals – which are subject to separate procedures – generally take two months to process.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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DISCUSSION

This item provides San Diego LAFCO with its regular update on active proposals on file. The item also – and for telegraphing purposes of future workload – identifies pending proposals staff anticipates being filed with LAFCO in the near term based on discussions with local agencies. It also serves to concurrently satisfy the Commission’s reporting requirement to provide notice on agendas involving jurisdictional changes initiated by petitions.¹

All active and pending proposals are outlined in Attachment One.

ANALYSIS

None.

RECOMMENDATION

This item is presented to San Diego LAFCO for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

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

On behalf of staff,



Carolanne Ieromnimon
Analyst I

Attachment:

- 1) Active and Pending Proposals as of January 30, 2023

¹ Government Code Section 56857 directs LAFCOs to provide notice on agendas of any proposal involving special districts that have been initiated by landowners or registered voters. The agenda notification starts a 60-day period in which the affected special districts may request termination of the proceedings due to financial or service-related concerns.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSAL APPLICATIONS <u>PENDING COMMISSION ACTION</u>			
1	RO06-17 “Tobacco Road Reorganization” - City of Escondido: Annexation	Staff	Application submitted in March 2006 by landowner petition to annex six parcels to the City of Escondido. The affected territory comprises six parcels located along Tobacco Road. The application filing fulfilled an earlier Executive Officer approval in 2006 to authorize the City of Escondido to extend outside wastewater service to two of the six subject parcels due to failing septic systems. (The other four subject parcels are included in the proposal to provide connectivity to the existing City boundary.) The current number of residents within the affected territory is unknown. The application remains incomplete pending submittal of additional documentation and related information to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
2	RO08-09 “South Mollison Ave-Snyder Reorganization” - City of El Cajon: Annexation	Staff	Application submitted in May 2008 by landowner petition for a proposed annexation to the City of El Cajon. The affected territory includes approximately 1.25 acres and is subject to a proposed multi-family residential project. It is unknown whether there are any current residents within the affected territory. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
3	DA08-10 “Avocado Way-Potter Annexation” - Vallecitos WD: Annexation	Staff	Application submitted in March 2008 by landowner petition requesting annexation of to the Vallecitos Water District (WD) for purposes of receiving public wastewater services. The affected territory comprises two parcels developed with single-family residences located along Avocado Way in Valle de Oro. The number of current residents within the affected territory is unknown. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
4 RO08-15 SA08-15	“Crestlake Estates Reorganization” - San Diego County SD: Annexation - Lakeside FPD: Annexation	Staff	Application submitted in May 2008 by landowner petition requesting a reorganization to accommodate wastewater, fire protection, and ambulance services for an approved Tentative Map allowing the development of 60 single-family residences. It is unknown if there are any current residents. The affected territory lies within all three subject agencies’ spheres of influence: San Diego County Sanitation District (SD); Lakeside Fire Protection District (FPD); and County Service Area (CSA) No. 69. The application remains incomplete pending submittal of additional documentation and related information necessary to complete the administrative review. The proposal is subject to formal abandonment pending the anticipated action by the Commission to approve authorizing policies.
5 DA12-02	“Lorch Annexation” - Borrego WD: Annexation	Staff	Application submitted in March 2012 by landowner petition to annex approximately 9.4 acres to the Borrego Water District (WD) to provide water service to one parcel within the District’s sphere. It is unknown how many residents are currently within the affected territory. Application deemed incomplete in an April 2012 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms. Discussions continue.
6 DA16-10	“CSA 17 Harmony Grove Annexation” - CSA 17: Annexation	Carolanne Ieromnimon	Application submitted in May 2016 by resolution from the County of San Diego to annex approximately 3,600 acres to County Service Area (CSA) No. 17 for ambulance service and done so as a cross-condition of the Commission dissolving CSA No. 107 in 2015. The affected territory is entirely unincorporated and comprises portions of the Elfin Forest and Harmony Grove communities with an estimated resident population of 29,995. The proposal remains incomplete due to a variety of reasons and marked by opposition from the CSA No. 17 Advisory Committee. Staff continues to engage the County, Advisory Committee, and other stakeholders.
7 RO16-11	“Rancho Hills Reorganization” - Rancho Santa Fe CSD: Annexation - Olivenhain MWD: Expansion of Latent Power Area - Olivenhain MWD: Latent Sphere Amendment	Priscilla Mumpower	Application submitted in October 2016 to annex a portion of a 37-lot residential subdivision titled “Rancho Hills” to Rancho Santa Fe CSD for wastewater service. A concurrent latent power expansion for Olivenhain MWD is needed to accommodate sewer to the remaining project site. The proposal was deemed incomplete in November 2016 status letter. Applicant has requested the proposal processing be placed on hold. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
8	Ro19-04 “Ortega – Old Highway 80 Change of Organization” - San Diego County SD: Annexation	Carolanne Ieromnimon	Application submitted in February 2019 by landowner petition to annex approximately 5.07 acres to the San Diego County Sanitation District (SD) for wastewater service. The affected territory comprises two parcels presently developed with single-family residences with an unknown number of residents. The purpose of the proposal is to connect sewer services for a proposed office/warehouse building development. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
9	SA19-26 RO19-26 OAS19-26 “Valiano - Eden Valley Reorganization” - City of Escondido: Extraterritorial Sewer - City of Escondido: Sphere Amendment - San Marcos FPD: Annexation - Rancho Fe FPD: Detachment - Rancho Fe FPD: Sphere Amendment	Priscilla Mumpower	Application submitted in November 2019 jointly by landowner petition and the City of Escondido and involves a reorganization and outside-of-agency service agreement as part of the “Valiano” planned development in Harmony Grove. The reorganization involves the concurrent annexation of approximately 10.8 unincorporated acres to San Marcos FPD and detachment from Rancho Santa Fe FPD and related sphere amendments. The outside-of-agency service agreement approval request involves the extension of wastewater from the City of Escondido for approximately 82.9 unincorporated acres with related sphere amendments to add to Escondido and remove from San Marcos. The application is administratively paused due to incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
10	RO20-04 “Rainbow MWD – Eastern MWD Reorganization” - San Diego CWA: Detachment - Eastern MWD: Annexation - Eastern MWD: Sphere Action	Priscilla Mumpower	Application submitted April 2020 by resolution from the Rainbow Municipal Water District (MWD) to concurrently detach from the San Diego County Water Authority (CWA) and annex to the Eastern Municipal Water District (MWD). The affected territory spans approximately 50,857 acres covering the Rainbow and Bonsall communities with an estimated resident population of 22,130. The purpose of the proposal is to transfer the wholesale water supply provider for cost-savings. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal and its technical merits.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
11	RO20-05 “Fallbrook PUD – Eastern MWD Reorganization” - San Diego CWA: Detachment - Eastern MWD: Annexation - Eastern MWD: Sphere Action	Priscilla Mumpower	Application submitted April 2020 by resolution from Fallbrook Public Utility District (PUD) to concurrently detach from the San Diego County Water Authority (CWA) and annex to the Eastern Municipal Water District (MWD). The affected territory spans approximately 28,193 acres covering the Fallbrook and De Luz communities with an estimated resident population of 33,986. The purpose of the proposal is to transfer the wholesale water supply provider for cost-savings. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal and its technical merits.
12	CO21-09 “Otay Lakes Road Change of Organization” - City of Chula Vista: Annexation	Priscilla Mumpower	Application submitted in October 2022 by landowner petition to annex approximately 1,870 acres of unincorporated territory to the City of Chula Vista. (The petitioners originally filed an application in October 2021 seeking approval to annex into the San Diego County Sanitation District. This previous application has since been withdrawn.) The affected territory comprises 6 parcels within the Baldwin and Moller communities and are presently undeveloped with no residents. The proposal is intended to facilitate a conditional development approval to construct 1,938 residential units with various ancillary uses as part of the “Otay Ranch Resort Village 13” project. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
13	CO-22-02 “Pastrana-Artesian Road Change of Organization” - Rancho Santa Fe CSD: Annexation	Carolanne Ieromnimon	Application submitted in January 2022 by landowner petition and involves annexation of approximately 10.0 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one entire parcel in Rancho Santa Fe and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan with the County of San Diego. The proposal was presented at the Commission’s December 5, 2022 meeting and continued to allow for additional consultation under CEQA at the request of the Rincon Tribe of Luiseno Indians. The Commission will continue its consideration of the item at its February 6, 2023 meeting.
14	CO22-04 “AJX Homes - Carmichael Change of Organization” - City of La Mesa (Annexation) - City of La Mesa (Sphere Amendment)	Carolanne Ieromnimon	Application submitted in February 2022 by landowner petition and involves annexation of approximately 0.3 acres to City of La Mesa for wastewater service. The affected territory is developed with a single-family residence and the landowner intends to update the existing site from a septic system to public wastewater system. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
15	RO22-05 “Weston Boundary Cleanup Reorganization” - Boundary Adjustments: City of San Diego, City of Santee, Padre Dam MWD & CSA No. 69 and No. 135 - Conforming Sphere of Influence Amendments	Carolanne Ieromnimon	Application submitted in February 2022 by resolution of the City of Santee requesting proceedings for a reorganization involving a boundary “clean-up” to the “Castlerock Reorganization” (RO13-99). The primary proposed action involves boundary adjustments between the City of Santee and City of San Diego affecting approximately 5.3 acres. Secondary boundary adjustments are also proposed involving three overlapping special districts – County Service Area (CSA) 135, and Padre Dam Municipal Water District (MWD) – and involve the same 5.3 acres. Conforming sphere of influence amendments are also required to accommodate the proposed boundary changes. The proposal is scheduled for consideration by the Commission as part of the February 6 th , 2023 meeting.
16	RO22-11 “Tummala-Rincon MWD Reorganization” - Rincon del Diablo Municipal Water District (Annexation) - Metropolitan Water District (Annexation) - San Diego County Water Authority (Annexation)	Priscilla Mumpower	Application submitted in October 2022 by landowner petition and involves annexation of approximately 20 acres of unincorporated territory to make available public water services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan with the County of San Diego. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
17	CO22-13 “Stits Change of Organization” - Leucadia Wastewater District (Annexation)	Carolanne Ieromnimon	Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 0.84 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence and adjacent public right-of-way in Encinitas and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to split the lot to create a new parcel. The proposal is scheduled for consideration by the Commission as part of the February 6 th , 2023 meeting.
18	CO22-14 “Briggs Change of Organization” - Leucadia Wastewater District (Annexation)	Carolanne Ieromnimon	Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 2.92 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence in Encinitas and presently occupied with 4 residents. The proposal purpose is to update the existing site from septic system to public wastewater system and position the landowner to proceed in the future with a development of an additional ADU. The proposal is scheduled for consideration by the Commission as part of the February 6 th , 2023 meeting.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
19	RO22-16	<p>“Cummings Ranch Reorganization”</p> <ul style="list-style-type: none"> - Ramona Municipal Water District (Annexation) - County Service Area 135 (Detachment) 	<p>Carolanne Ieromnimon</p> <p>Application submitted in October 2022 by landowner petition seeking approval for latent power expansion of Ramona MWD’s activated wastewater service area by approximately 389 acres. The affected territory is currently vacant and undeveloped. The proposal purpose is to establish wastewater services for the future development of 125 single family residences as part of the “Cummings Ranch Subdivision” project. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.</p>
20	CO22-17	<p>“Yung-La Presa Avenue Change of Organization”</p> <ul style="list-style-type: none"> - San Diego County Sanitation District (Annexation) 	<p>Carolanne Ieromnimon</p> <p>Application submitted in October 2022 by landowner petition and involves annexation of approximately 0.16 acres of unincorporated territory to the San Diego County Sanitation District to make available public wastewater services. The affected territory is currently developed with 3 residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to add an additional single-family residence. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.</p>
21	CO22-18	<p>“For Giving LLC- Hymettus Avenue Change of Organization”</p> <ul style="list-style-type: none"> - Leucadia Wastewater District (Annexation) 	<p>Carolanne Ieromnimon</p> <p>Application submitted in October 2022 by resolution of the Leucadia Wastewater District and involves annexation of approximately 1.20 acres of unincorporated territory to make available public wastewater services. The affected territory comprises one single family residence in Encinitas and presently vacant with no residents. The proposal purpose is to position the landowner to proceed in the future with a development plan to create two single-family residences. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.</p>
22	RO22-19	<p>“Borrego Springs Fire Protection District Reorganization”</p> <ul style="list-style-type: none"> - Borrego Springs FPD: Dissolution - Borrego Springs FPD: Sphere Dissolution - San Diego County FPD: Annexation - San Diego County FPD: Sphere Amendment 	<p>Carolanne Ieromnimon</p> <p>Application submitted November 2022 by resolution of the Borrego Springs FPD to dissolve and designate its structural fire protection and, emergency medical and rescue service functions to the San Diego County Fire Protection District as the successor agency through a concurrent annexation. The affected territory spans approximately 198,400 acres with an estimated resident population over 3,653. The County Board of Supervisors has separately adopted a resolution in support of the reorganization. The proposal is scheduled for consideration by the Commission as part of the March 6th, 2023 meeting.</p>

	File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
23	CO22-20	“Camino De La Fuente- Wick Change of Organization” -San Diego County Sanitation District (Annexation)	Carolanne Ieromnimon	Application submitted in November 2022 by landowner petition and involves annexation of approximately 35.3 acres of unincorporated territory to the San Diego County Sanitation District to make available public water and wastewater services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan to grade the land for future industrial and outdoor storage uses. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.
24	RO23-01	“Tucker-Valley Road Reorganization” - National City (Annexation) - South Bay ID: Detachment - Bonita FPD: Detachment - Bonita FPD: Sphere Amendment - CSA No. 135: Detachment	Carolanne Ieromnimon	Application submitted in November 2022 by landowner petition and involves annexation of approximately 35.3 acres of unincorporated territory to the San Diego County Sanitation District to make available public water and wastewater services. The affected territory is currently vacant and undeveloped. The proposal purpose is to position the landowner to proceed in the future with a development plan to grade the land for future industrial and outdoor storage uses. The submitted proposal application is incomplete pending receipt of additional documentation and related information to complete the administrative review.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSALS POST COMMISSION ACTION			
25	SA16-20 LP16-20 “CSA 135 Islands Reorganization” - CSA 135 – LP Fire Area (Latent Powers Expansion) - Bonita-Sunnyside FPD (Annexation) - Lakeside FPD (Annexation) - San Miguel FPD (Annexation) - Ramona MWD (Annexation)	Staff	Proposal submitted November 2016 by resolution of the San Diego County Fire Authority. Involved annexation of remaining unserved Islands 2, 3, and 4 via reorganization of local fire service territory among five local agencies: CSA 135; Bonita-Sunnyside FPD; Lakeside FPD; Ramona MWD; and San Miguel FPD. Reorganization involved annexation to the subject agencies and expansion of CSA No. 135’s latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. Conforming amendments to add the affected territory to the subject agencies’ spheres of influence were also required. The reorganization proposal was approved February 4, 2018 and is now pending recordation once all terms are satisfied. A noticed protest hearing was held on March 13, 2019 at the LAFCO office. No protest was received by affected registered voters or landowners. Other terms remain pending.
26	LP(E)19-27 “Fallbrook PUD Latent Powers Expansion” - Activation: Park and Recreation - Activation: Street Lighting - Activation: Roads	Priscilla Mumpower	Application submitted in November 2019 by resolution from the Fallbrook Public Utility District (PUD) seeking approval to activate specified latent powers throughout its jurisdictional boundary and its 28,193 unincorporated acres. The estimated resident population within the affected territory is 33,986. Requested power activations involve park and recreation, street lighting, and roads with the former intended to supplement existing park and recreation services provided in the region by the County of San Diego via County Service Area No. 81. The proposal was approved by the Commission on April 4, 2022, and now pending recordation once all terms are satisfied. A noticed protest hearing was held on May 31, 2022 and continued to June 14, 2022 11, 2022 at the Fallbrook Public Utilities District. Not enough protest was received by affected registered voters or landowners. Other terms remain pending.
27			

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
28	RO21-08 “Felicita Road-Elliott Reorganization” - City of Escondido (Annexation) - Detachment CSA No. 135 - Detachment from Rincon del Diablo ID-E	Carolanne Ieromnimon	Application submitted in September 2021 by landowner petition and involves an outside-of-agency service agreement for wastewater services to a single-family residence totaling 0.3 acres as a remedy to a failing septic system. The Executive Officer administratively approved the service request on September 30, 2021 and the proposal was ratified by the Commission on November 1, 2021. The applicant has submitted a reorganization application – to meet the condition of approval of an outside-of-agency service agreement with the City of Escondido – and is requesting annexation to the City of Escondido with concurrent detachment from CSA 135 and Rincon del Diablo ID-E. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.
29	RO21-04 “Mar Vista Reorganization” - City of Vista: Annexation - Vista FPD: Detachment - Buena SD: Detachment	Priscilla Mumpower	Application submitted in July 2021 by resolution of the City of Vista to reorganize approximately 143 unincorporated acres in the Mara Vista area. The primary action involves annexing all of the affected territory with its estimated resident population of approximately 611 to the City of Vista. Conforming detachments to Vista Fire Protection District (FPD) and Buena Sanitation District (SD) are also prosed to eliminate duplicative service areas. Notably, the City of Vista proposes the reorganization under the island annexation proceedings in LAFCO statute, which if confirmed by the Commission eliminate conducting authority proceedings. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.
30	CO22-15 “Toidi-Jonel Way Change of Organization” - San Diego County Sanitation District (Annexation)	Carolanne Ieromnimon	Application submitted in October 2022 by landowner petition and involves annexation of approximately 2.5 acres to the San Diego County Sanitation District for wastewater service. The affected territory is developed with a single-family residence and the landowner intends to update the existing site from a septic system to public wastewater system to accommodate a future development of an additional assessor dwelling unit. The proposal was approved by the Commission on November 7, 2022, and now pending completion of terms and conditions as set forth by the Commission.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
<p>PENDING PROPOSAL APPLICATION SUBMITTALS (No project manager; inquiries should be directed to Keene Simonds)</p>			
31	Pending “Harvest Hills Reorganization” - City of Escondido		<p>This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido. Submittal to LAFCO anticipated for late 2020-2021 if approved by Escondido. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All of the affected territory presently lies outside the adopted Escondido sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders. Project was originally titled as “Safari Highlands.”</p>
32	Pending “Rancho Lomas Verde Reorganization” - City of Vista		<p>This anticipated reorganization proposal is undergoing development and environmental review by the City of Vista. The proposal involves annexation of approximately 300 acres to the City of Vista and concurrent detachments from CSA 135 and the Vista FPD to facilitate a 153-lot residential development. Close to three-fourths of the project area lies outside the adopted Vista sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders.</p>
33	Pending “Sager Ranch Reorganization” - City of Escondido		<p>This anticipated reorganization involves annexation of approximate 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lies outside the current City sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and other service-related issues have been communicated to the City and are currently under joint review with other local stakeholders.</p>

File Number	Status	Proposal Name Affected Agencies	Project Manager	Proposal Summary
34	Pending	Harmony Grove Village South (TM-626)		<p>This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, 2020 the San Diego Superior Court overturned the County's development approvals for the project. Appeals are pending with no update as of this report.</p>

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

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AGENDA REPORT
 Public Hearing

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst I

**SUBJECT: Proposed “Weston Boundary Change Cleanup Reorganization” (RO22-05) |
 Boundary Adjustments involving City of San Diego, City of Santee, Padre Dam
 Municipal Water District and County Service Area No. 135 with Conforming
 Sphere of Influence Amendments**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by the City of Santee with the primary action involving multiple boundary adjustments – annexations and detachments – between Santee and City of San Diego. Secondary boundary adjustments are also proposed involving two overlapping special districts, County Service Area (CSA) No. 135 and Padre Dam Municipal Water District (MWD). The affected territory as proposed is 5.2 acres in size, comprises 25 non-contiguous areas, and includes all or portions of 30 assessor parcels as well as public right-of-way segments associated with the “Weston” residential subdivision in Santee. The purpose of the proposal is to resolve discrepancies between the subdivision’s approved tentative map and associated annexation agreement with the jurisdictional actions enacted by the Commission in approving the “Castlerock Reorganization” in 2015. Staff recommends conditional approval of the proposal as submitted along with conforming sphere of influence amendments. It is also recommended the Commission waive protest proceedings along with making exemption findings as both lead (spheres) and responsible (boundaries) agencies under the California Environmental Quality Act.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcountry.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Citites Selection Committee</p> <p>Vacant Citites Selection Committee</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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BACKGROUND

Applicant Filing and Requested Approval Terms

San Diego LAFCO has received a resolution of application from the City of Santee requesting approval to reorganize 5.2 acres of incorporated lands with the primary action involving adjustments to the adjoining boundaries between Santee and the City of San Diego.¹ The secondary actions similarly involve adjustments to the boundaries of CSA No. 135 and Padre Dam MWD to sync and follow with Santee. The affected territory is divided between 25 non-contiguous areas that are approximately 7,201 feet from each other. Most of the affected territory – approximately 4.2 acres – includes all or portions of 26 assessor parcels that are owned by Tri Pointe Homes (formerly Pardee Homes) and largely dedicated for open space uses.² A portion of the Tri Pointe Home lands are also dedicated to habitat protection and involve a vernal pool lot. The remainder of the affected territory – approximately 1.1 acres – contains public right-of-way segments for Weston Road and Trailridge Avenue. There are no structures, registered voters, or assigned assessed property values in the affected territory.

A summary of the proposed jurisdictional changes follows.

- Annexation of 1.5 acres to the City of Santee, Padre Dam MWD, and CSA No. 135 and concurrent detachment from City of San Diego involving the following lands:

Assessor Parcel or ROW	Acreage
366-090-66	0.00+
366-090-68	0.16
366-090-54 (portion)	0.00+
Weston Road (portion)	0.77
366-092-76	0.00+
366-094-46	0.09
366-051-57 (portion)	0.01
366-090-55 (portion)	0.01
Trailridge Avenue (portion)	0.41
366-053-62	0.00+
TOTAL	1.45

- Annexation of 3.8 acres to the City of San Diego and concurrent detachment from the City of Santee, Padre Dam, and CSA No. 135 involving the following lands:

¹ Resolutions of support for the reorganization have also been received from the City of San Diego and Padre Dam MWD.

² The remaining four parcels comprising the affected territory are owned by the Weston Home Owners Association and used for dedicated open-space.

Assessor Parcel or ROW	Acreage
366-090-58	0.02
366-090-70	0.09
366-090-71	0.00
366-090-72	0.00
366-090-53	0.01+
366-090-73 (portion)	0.00+
366-090-74	0.00+
366-090-65	0.00+
366-090-75	0.01
366-090-56	1.86
366-051-97 (portion)	0.18
366-090-78	0.00+
366-052-14	0.02
366-053-33	0.04
366-053-31	0.08
366-090-67	0.00+
366-090-60	0.00+
366-090-62	0.01
366-090-64	0.01
366-090-51	0.85
366-092-78 (portion)	0.56
366-090-69	0.05
TOTAL	3.79

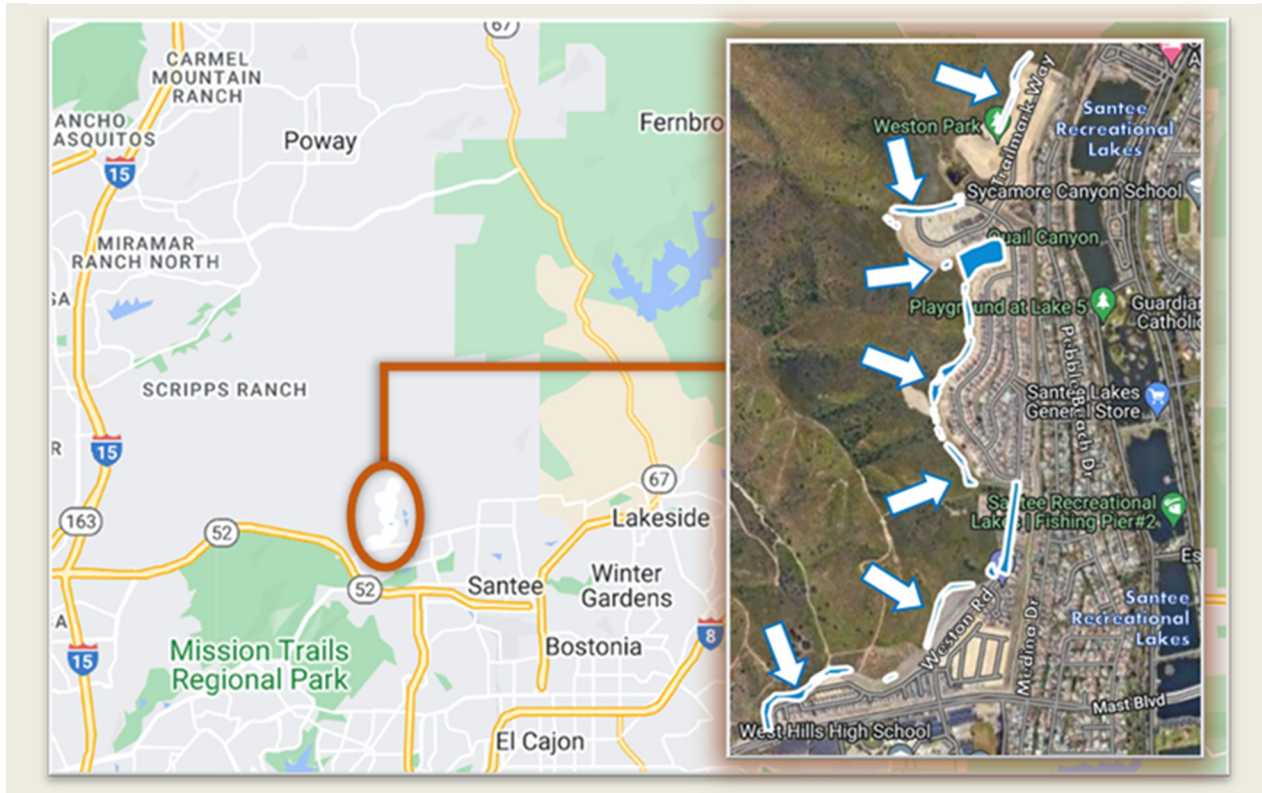
The applicant requests the Commission approval condition of the reorganization to mirror the original terms – and specifically incorporating the provisions of the annexation agreement between the subject agencies – established for the earlier Castlerock approval in 2015.

A copy of the annexation agreement is attached.

Regional Setting

The affected territory is located along the border between the Cities of Santee and San Diego where the Weston subdivision and Mission Trails Regional Park meet. Access is primarily available through a signalized intersection at Mast Boulevard and Weston Road. West Hills High School is located opposite the intersection. The affected territory lies within County Supervisorial District No. 2 (Joel Anderson), Assembly District No. 75 (Marie Waldron), and Senate District No. 40 (Brian Jones). Elevation ranges from 390-678 feet above sea level.

An aerial map of the affected territory and its regional setting follows.



Additional maps are provided as Attachments One.

Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves four subject agencies: City of Santee; City of San Diego; Padre Dam MWD; and CSA No. 135.³ A summary of the subject agencies in terms of their governance, resident population, primary municipal functions, and financial standing follows.

- **City of Santee** was incorporated in 1980 and governed by a five-member council that includes a directly elected mayor. An appointed city manager oversees day-to-day activities. The incorporated boundary spans 10,560 acres or 16.5 square miles with an estimated resident population of 60,022. Santee’s core municipal functions involve community development, integrated fire protection and emergency medical, roads, and parks and recreation. Santee also contracts with County Sheriff for police protection. Several overlapping special districts provide a range of other services to Santee residents – including water and wastewater from Padre Dam MWD. LAFCO last updated Santee’s sphere of influence in 2008 with a coterminous designation to the incorporated boundary. The most recent audit shows Santee’s net position at \$176.1 million as of June 30, 2021. This accrued amount reflects an overall three-year change of (3.1%) and includes an unrestricted portion of (\$26.9 million) that adjusts to \$182.3 million less retiree obligations. The balance sheet separately shows Santee’s General

³ State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

Fund ending the period with an unrestricted balance of \$22.6 million. The latter amount equates to covering 11.5 months of recent actual costs.

- **City of San Diego** was incorporated in 1850 and governed by a nine-member council. A directly elected mayor serves as chief executive officer directs day-to-day activities. The incorporated boundary spans 219,264 acres or 342.6 square miles with an estimated resident population of 1,394,817. San Diego is a full-service municipality, and this includes directly providing public safety (police and fire) and utility (water and wastewater) functions. LAFCO last updated San Diego's sphere of influence in 2008 that is nearly coterminous with the incorporated boundary with the exception of excluding 1,941 non-jurisdictional acres. The most recent audit shows San Diego's net position at \$8.8 billion as of June 30, 2021. This accrued amount reflects an overall three-year change of (0.8%) and includes an unrestricted portion of (\$2.2 billion) that adjusts to \$1.3 billion less retiree obligations. The balance sheet separately shows San Diego's General Fund ending the period with an unrestricted balance of \$136,340. The latter amount equates to covering 8.3 months of recent actual costs.
- **Padre Dam MWD** is an independent special district governed by a five-member board with members annually appointing a president among its ranks. An appointed general manager oversees day-to-day activities. Padre Dam MWD was formed in 1955 with a current jurisdictional boundary spanning 46,509 acres or 72.7 square miles. Close to one-fourth of the jurisdictional boundary overlaps the Cities of El Cajon and Santee with the remainder involving the unincorporated communities of Lakeside, Crest, Harbison Canyon, Blossom Valley and Alpine. Padre Dam MWD currently provides four municipal service functions: water; wastewater; recycled water; and parks and recreation. LAFCO last updated Padre Dam MWD's sphere of influence in 2007 with a larger-than-agency designation to include 632 of non-jurisdictional acres.⁴ The most recent audit shows Padre Dam MWD's net position at \$356.6 million as of June 30, 2022. This accrued amount reflects an overall three-year change of 8.4% and includes an unrestricted portion of \$88.3 million that adjusts to \$119.7 million less retiree obligations. The balance sheet separately shows Padre Dam MWD's General Fund ending the period with an unrestricted balance of \$10.755 million, which equates to covering 8.9 months of recent actual costs.
- **CSA No. 135** is a dependent special district of the County of San Diego with the Board of Supervisors serving as the governing board. CSA No. 135 spans 3,739.8 square miles and includes all unincorporated lands as well as 10 of the 18 cities in San Diego County. The estimated resident population is 1,072,724. It was formed in 1994 to provide public safety radio communications through a funding agreement with a third-party (Regional Communication Systems) and involves operating an 800-megahertz system. Administration of this municipal function is provided by County Sheriff. LAFCO established a sphere of influence in 1994 coterminous to the county boundary. The sphere was last reviewed and affirmed in 2007. The most recent audit

⁴ LAFCO also assigned three distinct special study areas to the Padre Dam MWD sphere that collectively total 4,993 acres.

shows the County’s net position at \$3.379 billion as of June 30, 2021. This accrued amount reflects an overall three-year change of 5.4% and includes an unrestricted portion of (\$1.858 billion) that adjusts to \$1.297 billion less retiree obligations.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These nine qualify as “affected agencies” and have received written notice of the proposal and opportunity to comment.⁵

- City of San Diego
- City of Santee
- CSA No. 135 (Regional Communication)
- Grossmont Healthcare District
- Metropolitan Water District of Southern California
- Padre Dam MWD
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- San Diego Unified Port District

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: Santee Elementary School District; Grossmont Union High School District; and Grossmont-Cuyamaca Community College District

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the reorganization proposal and its principal action to make correcting boundary adjustments between the Cities of Santee and San Diego. 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, related development opportunities, and Commission focus follows.

Proposal Purpose

The purpose of the proposed reorganization before San Diego LAFCO is to enact corrections to all four subject agencies’ jurisdictional boundaries within the affected territory to align with the approved tentative map and associated annexation agreement tied to the Weston subdivision. These discrepancies involve multiple boundary adjustments involving 5.2 acres and following the Commission approving the Castlerock Reorganization in 2015 that unintentionally enacted jurisdictional changes that deviated from the tentative map.⁶ A

⁵ 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.

⁶ The Castlerock Reorganization involved detachment of approximately 114.8 acres from the City of San Diego and concurrent

notable and leading feature of the proposed reorganization involves reversing the placement of the vernal pool lot with the affected territory back to the City of San Diego and in doing so comply with its adopted multiple-species conservation program or MSCP.

Current and Planned Development

No development plans are associated with the reorganization proposal.

The entire affected territory is incorporated, undeveloped, and substantially unimproved. Three-fourths of the affected territory presently lies within the City of Santee with the remaining one-fourth lying within the City of San Diego. The proposed reorganization would “swap” these existing jurisdictional placements. Irrespective of jurisdictional placement, the affected territory is protected from development and any substantive improvements with its current uses being contractually dedicated either to open space – whether as amenities to the Weston subdivision or to the adjacent Mission Trails Regional Park– or habitat protection (vernal pool lot). Additional land use policies are footnoted.⁷

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration for the proposed reorganization. These policy items ultimately take the form of determinations and orient the Commission to consider the interrelated merits of an (a) accommodating sphere of influence amendments for three of the four subject agencies, (b) timing of the reorganization, and (c) whether modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

ANALYSIS

San Diego County LAFCO’s analysis of the proposed reorganization is divided into two distinct subsections. The first subsection pertains to evaluating the central policy issues referenced in the preceding section and headlined by analyzing the merits of the reorganization and its primary action to swap territory between the Cities of Santee and San Diego. The second subsection considers other germane issues required for LAFCO proposal consideration, and this includes complying with the California Environmental Quality Act (CEQA).

annexations of the same territory into the City of Santee, Padre Dam MWD, CSA No. 69 (ambulance), and CSA 135 (regional communications). The reorganization followed the terms of an annexation agreement and marked by San Diego approving a 203.6-acre development project (residential subdivision and dedicated open space) and transferring the tentative map to Santee ahead of actual construction. The annexation agreement provided San Diego would retain the open space lands associated with the project while the residential subdivision would proceed within Santee with water and wastewater provided by Padre MWD.

⁷ The City of San Diego’s land use policies for the affected territory are addressed in the East Elliot Community Plan (1982) and designated as “open space.” The East Elliot Community Plan details the territory constitutes one of the largest and biologically most important remaining open space areas in San Diego. The affected territory contains habitat for several endangered and threatened wildlife species and serves as a corridor for wildlife movement between Mission Trails Park to the south and the Miramar area to the north. The City of Santee’s land use policies for the affected territory are low to moderate residential with one to five dwelling units per acre.

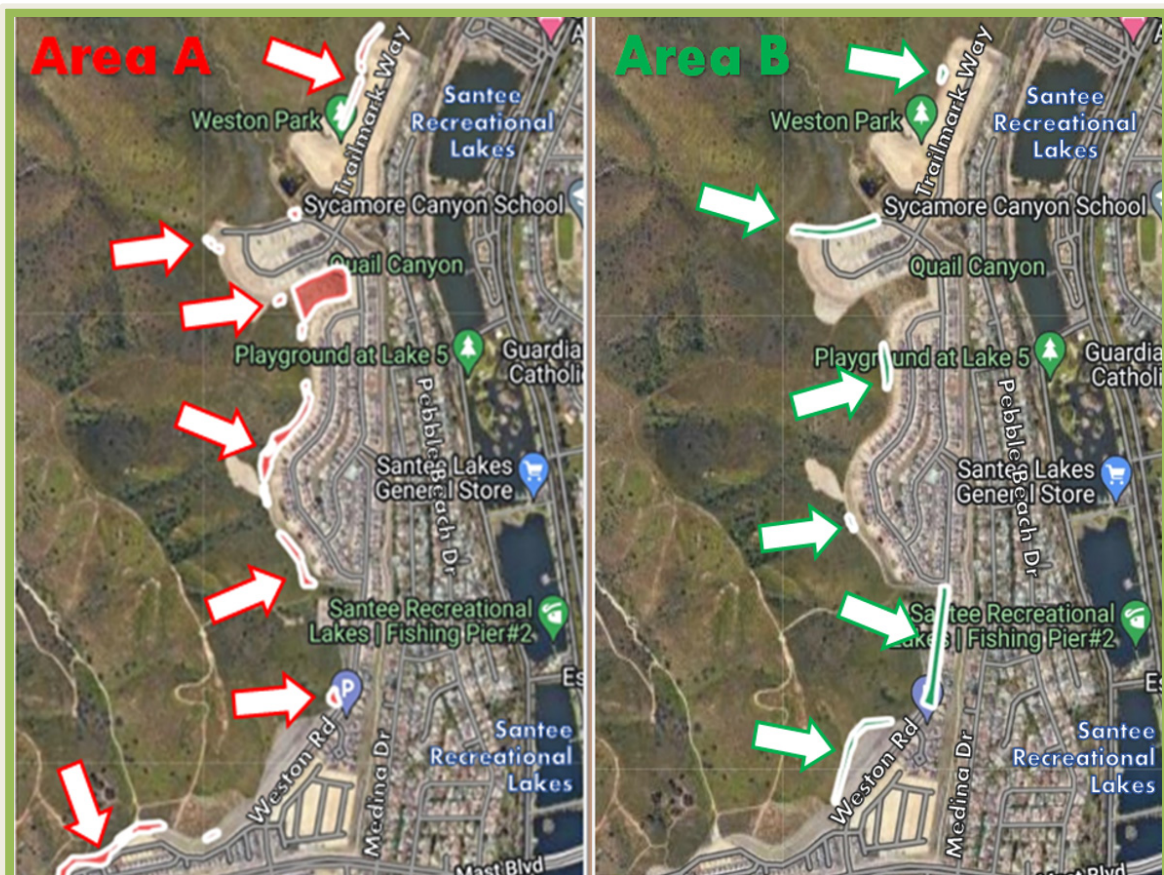
Central Policy Items

Item No. 1 |

Conforming Sphere of Influence Amendments

The proposed reorganization necessitates San Diego LAFCO to consider conforming sphere of influence actions for three of the four subject agencies to achieve consistency with the requested jurisdictional changes as required under statute and practice as detailed. Consideration of the amendments are premised on LAFCO’s statutory responsibility to designate spheres to demark the affected agencies’ appropriate jurisdictional boundary and/or service areas now and into the immediate future as determined by the Commission. This includes demarking the Commission’s expectation of exclusive responsibilities for one or more specified municipal services.

Amendments prompted by the proposed reorganization involve the Cities of Santee and San Diego as well as Padre MWD. These amendments are divided into two distinct sets and reflected in the map insert below. The first set involves concurrently adding “Area A” and its 3.8 acres to the City of San Diego’s sphere and removing it from the City of Santee and Padre Dam MWD’s spheres. The second set involves concurrently removing “Area B” and its 1.5 acres from San Diego’s sphere and adding it to Santee and Padre Dam MWD’s spheres. No changes to CSA No. 135’s sphere is prompted for consideration given its countywide designation and practice by the Commission to leave as-is irrespective of detachments.



The proceeding analysis is organized to consider three related factors necessitated under statute and local policy. The statutory factors relate to an informing municipal service review along with addressing the general relationship between the agencies and affected territory.⁸ Local policies involve consideration of L-102 and its provisions to guide sphere actions in San Diego County. Analysis of these three sphere factors follow.

- Sphere Factor No. 1:
Consideration of a Municipal Service Review

Statute requires LAFCO to prepare municipal service reviews to inform its related task to regularly review and update all local agencies’ spheres of influence. The statute further directs LAFCO perform sphere updates every five years as needed. The most recent series of municipal service reviews prepared by LAFCO germane to the affected territory and subject agencies were completed in 2007. Requiring one or more new municipal service reviews – however and specific to informing the proposed reorganization – does not appear warranted. This conclusion ties to the relatively limited scope of the amendments plus the added certainty of open space or protected habitat uses and their de minimis service impacts associated with the affected territory.

- Sphere Factor No. 2:
Consideration of the Agency-Affected Territory Relationship

The Legislature prescribes consideration of five factors anytime LAFCOs act on spheres of influence. These factors parallel the macro topics in municipal service reviews with a generalized focus on the relationship with the affected territory – including service needs and adequacy of available services. The factors also orient the Commission to broadly consider the relationship between current and planned land uses in the affected territory plus – and as needed – effects on qualifying disadvantaged unincorporated communities. The factors and staff analysis follows.

- With respect to **present and planned land uses**, the affected territory as submitted spans 5.2 acres and contractually dedicated to open space uses – whether as amenities to the Weston subdivision or to the adjacent Mission Trails Regional Park – or habitat protection. No changes in these present uses are planned.
- With respect to **present and probable need for one or more public services**, the affected territory’s existing and planned land uses as dedicated open space and protected habitat significantly moots municipal demands. A notable exception involves code enforcement and the associated need for the two affected land use authorities – Cities of Santee and San Diego – to effectively ensure the affected territory is protected from other non-conforming uses and/or external threats.
- With respect to **overall adequacy of the agencies’ public services**, no material deficiencies have been identified by LAFCO staff as part of the proposal review.

⁸ Reference to Government Codes 56430 and 56425, respectively.

- With respect to **social or economic communities of interest if relevant to the agencies**, the affected territory’s existing uses tie to an annexation agreement executed between the Cities of Santee and San Diego. This agreement prescribes the affected territory to be dedicated for open-space and habitat uses. Amending the subject agencies’ spheres as contemplated to facilitate the proposed reorganization explicitly supports the annexation agreement and its negotiated social and economic benefits to the region.
- With respect to **present and probable need for services involving any disadvantaged unincorporated communities**, none of the affected territory qualifies under LAFCO statute.
- Sphere Factor No. 3:
Consideration of Policy L-102

San Diego LAFCO’s policies guiding sphere of influence actions are primarily codified under L-102. This policy was adopted in August 1990 and last substantively updated in June 2000. It directs the Commission to utilize spheres to guide deliberations on future changes of organizations and in doing so – and among other growth management objectives – help reflect and preserve community identities. The policy further directs LAFCO to use spheres to discourage duplication of municipal services and similarly encourages local agency consolidations, whether functional or political.

The sphere of influence amendments necessary to accommodate the proposed reorganization conforms with L-102. Most directly, the amendments would facilitate known jurisdictional changes within the affected territory. The amendments would similarly accommodate the assignment of jurisdictional duties within the affected territory between the two subject land use authorities consistent with an earlier annexation agreement approved by their elected councils. A copy of the L-102 Policy is included as Attachment 5.

CONCLUSION | MERITS OF CONFORMING SPHERE OF INFLUENCE AMENDMENTS

The conforming sphere of influence amendments to accommodate the proposed reorganization appear sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on two related assumptions. First, it is assumed the Commission determines a new municipal service review for the subject agencies is not necessary given the otherwise limited scope of service impacts associated with the jurisdictional change. Second, it is assumed the Commission determines the associated annexation agreement between the Cities of Santee and San Diego provides an appropriate metric in appropriately assigning communities of interest in the affected territory through the amended spheres for the subject agencies. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 | Reorganization Timing

San Diego LAFCO’s consideration of the proposed reorganizations’ timing draws on analyzing baseline factors required in statute well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies as well as assessing the ability of subject agencies providing services going forward.⁹ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:

Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed jurisdictional changes’ relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in the review of these discretionary matters for the proposed reorganizations regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the affected territory’s present and contractual use as open space – whether as amenities to the Weston subdivision or to the adjacent Mission Trails Regional Park – or habitat protection. Accordingly, actual municipal service needs appear to be limited to code enforcement.
- With respect to **service availability and capacities**, the Cities of Santee and San Diego directly provide code enforcement through their respective development service departments. The subject agencies have established sufficient capacities to readily ensure and otherwise safeguard the dedicated open-space and habitat protection uses within the affected territory going forward.
- With respect to **related financial considerations**, the affected territory’s present and contractual uses as open space or habitat protection is not expected to generate any substantive service costs to the subject agencies.

⁹ Reference to Government Code Section 56668.

- **Timing Factor No. 2:**
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.¹⁰ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

No jurisdictional disputes have been disclosed by the City of Santee in filing the reorganization proposal with LAFCO. In contrast, the applicant has provided supporting resolutions from the City of San Diego and Padre Dam MWD. No objections to the proposal have been separately received from the remaining subject agency – CSA No. 135 – or any other local agencies.

**CONCLUSION |
MERITS OF REORGANIZATION TIMING**

The timing of the reorganization is sufficiently warranted. Justification is marked by the preceding analysis and illuminated by providing for otherwise minor and correcting boundary changes for all four subject agencies to proceed consistent with previously negotiated terms for the Weston subdivision. Additional analysis supporting the conclusion is provided in Appendix B.

**Item No. 3 |
Modifications and Terms**

No modifications to the submitted reorganization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation that the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features. Staff is recommending applying standard terms of approval.

**CONCLUSION |
MODIFICATIONS AND TERMS**

No modifications appear warranted. Standard approval terms are recommended and include receipt of all remaining payments associated with the processing of the proposal by the Commission through recordation.

¹⁰ The Executive Officer retains discretion to determine the extent of consultation needed

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code (RTC) Section 99(b)(6) requires the adoption of a property tax exchange agreement by the subject local agencies before LAFCOs can consider jurisdictional changes. RTC Section 99(b)(5) also allows counties to adopt a single resolution establishing a tax exchange on under specified conditions. The County Board of Supervisors, accordingly and through negotiation with the subject agencies, adopted a resolution on October 22, 2014. The previously negotiated property exchange between the subject agencies remains unchanged.

Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority. Accordingly, the Commission is tasked with making two distinct findings under CEQA in consideration of the proposed reorganization. Staff’s analysis follows.

- LAFCO serves as lead agency under CEQA for the confirming sphere of influence amendments associated with accommodating the reorganization. It is recommended the Commission find these actions – and specifically the actions summarized on page 8 of the agenda report – are a “project” under CEQA but exempt from further review under State Guidelines 15061(b)(3). Staff believes this exemption appropriately applies given it can be seen with certainty spheres are planning policies and associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
- Santee serves as lead agency under CEQA for considering the physical effects of the reorganization proposal as the initiating party. In this role as lead agency, Santee has determined the reorganization proposal is a “project” under CEQA but no further review is required. Santee’s finding cites all potential impacts have already been adequately considered and/or mitigated as part of the environmental impact report (EIR) prepared and certified by the City of San Diego (SCH No. 2004061029) for the Weston subdivision approval. Staff independently concurs with Santee’s finding.

Protest Proceedings

Protest proceedings for the proposed reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters); the subject agency has not filed an objection to the waiver; and all landowner consent to the underlying action.

RECOMMENDATION

Staff recommends conditional approval of the reorganization proposal as submitted along with conforming sphere of influence amendments as detailed. This recommendation and ancillary actions are consistent with 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 conditionally approving the reorganization proposal as submitted (without modifications) and conforming sphere of influence amendments as detailed along with making required findings under CEQA. Protest would also be waived.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

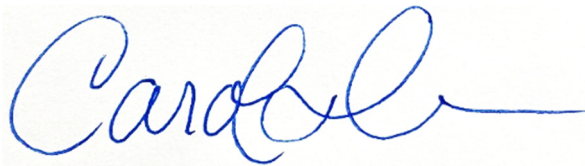
Disapprove the reorganization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

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 suggested.

1. Commissioner disclosures, if any.
2. Receive verbal presentation from staff unless waived.
3. Open the public hearing and invite testimony beginning with the applicant(s).
4. Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,



Carolanne Ieromnimon
Analyst I

Appendices:

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

Attachments:

- 1) Vicinity Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Application Materials
- 4) Annexation Agreement
- 5) L-102 Policy

APPENDIX A

STATEMENT OF DETERMINATIONS SPHERE OF INFLUENCE FACTORS Government Code Section 56425

AMENDMENT TO SAN DIEGO, SANTEE, AND PADRE DAM MWD'S SPHERE OF INFLUENCE TO CORRECT THE OVERLAPPING BOUNDARIES

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

The portion of the overall affected territory recommended for sphere amendments to all four subject agencies spans approximately 5.2 acres and is entirely incorporated and subject to the adopted land use policies of the City of San Diego and/or Santee. The prevailing land uses within the affected territory involves low to moderate residential. LAFCO estimates the total resident population within this portion of the affected territory is 0. Amending the spheres of three of the four subject agencies to include and/or exclude the affected territory is consistent and otherwise supports these present and planned land uses.

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

The described present and planned uses with the portion of the overall affected territory recommended for inclusion within all four subject agencies' sphere of influence merits boundary adjustments. This need is highlighted by the current overlap of boundaries between each and the need to adhere to conservation easements, specifically vernal pools, and other portions of the San Diego Multi-Habitat Planning Areas. Amending three of the four agencies sphere to include or exclude the affected territory is consistent with these needs.

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

Due to the scope of the proposal, this is not applicable.

(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.

Due to the scope of the proposal, this is not applicable.

(5) The present and probable need for water, wastewater, and/or fire protection services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory and adjacent lands therein do not contain census tracts qualifying as a disadvantaged unincorporated community (DUC) under State statute or LAFCO policy.

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APPENDIX B

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, in the next 10 years.**
-

The affected territory recommended for reorganization is approximately 5.2 acres in size and is located in east San Diego and within the East Elliott Community Planning Area. State Route 52 connects the area to the City of San Diego to the west. On-site elevations vary from approximately 390-678 feet above sea level. Predominant land uses are residential - very low density (0-4 du/ac). There are no structures, registered voters, or assigned assessed property values within the affected territory.

- 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 City of San Diego serves as the primary purveyor of general governmental services to approximately three-fourths of the affected territory. Core County services provided within this portion of the area include community planning, roads, street lighting, and police protection. Other pertinent service providers within the area include Padre Dam Municipal Water District (water, wastewater, parks and recreation, recycled water), and San Diego County Flood Control District (wastewater). This proposal affects only the boundaries for all four subject agencies and is the focus of the succeeding analysis.

- 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.**
-

The affected territory recommended for reorganization has established informal social and economic ties with one another given the agencies' existing role in managing services in surrounding lands. The jurisdictional changes would formalize these ties through LAFCO policy and clarify the agencies expanding roles therein in managing services throughout the greater east-county region.

- 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.**
-

Due to the scope of the proposal this is not applicable.

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 presently contain “prime agricultural land” or “agricultural land” 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 reorganization would not adversely affect the physical or economic well-being 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

The recommended reorganization would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

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

The affected territory recommended for reorganization is entirely incorporated and subject to the land use policies of the City of San Diego and Santee. The Cities implementing land use policy document for the affected territory is the East Elliot Community Plan (1982) and Santee General Plan (2003). A predominant land use designation in the largest portion of the affected territory is “open space”. The East Elliot Community Plan details the territory constitutes one of the largest and biologically most important remaining open space areas in San Diego and contains habitat for several endangered and threatened wildlife species and serves as a corridor for wildlife movement between Mission Trails Park to the south and the Miramar area to the north. The remainder of the affected territory within the City of Santee and subject to the City General Plan. The predominate land use designations in the City are low to moderate residential with one to five dwellings per acre. No development plans are associated with the proposal.

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

The reorganization is consistent with the receiving subject agencies’ spheres of influence with limited exceptions as detailed in Appendix A.

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

Notice of the submitted reorganization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 30, 2023.

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.

Due to the scope of the proposal, this is not applicable.

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

The affected territory recommended for reorganization lies within Padre Dam Water District and eligible to receive potable water service from these retailers with wholesale supplies from the County Water Authority. The reorganization does not change these existing conditions.

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.

The proposed reorganization would not impact any local agencies in accommodating their regional housing needs.

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). No written or formal comments have been submitted to San Diego LAFCO staff as of the date of the posting of the agenda report on January 30, 2023.

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.

The reorganization is intended to adjust the boundaries amongst three local government agencies to remedy the inadvertent overlap of boundaries that resulted from the “Castlerock Reorganization” and accordingly serves to promote environmental justice through additional accountability for all residents - including groups that have been historically marginalized and/or susceptible to pollution burdens and their effects. This latter category – notably –

consists of low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California and are shown in the proceeding tables.

Census Tract 6073009504	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073009504 + Surrounding Lands
No. of Census Tracts	1
Estimated Population	6,455
Pollution Burden	Weighted Percentile
... Composite Score	29.96
... Percentile	10.05
Indicator Air Quality: Ozone	58.34
Indicator Air Quality: PM 2.5:	38.03
Indicator Air Quality: Diesel PM:	10.94
Indicator Pesticides:	42.52
Indicator Toxic Releases:	21.48
Indicator Traffic:	69.21
Indicator Drinking Water Contaminants:	28.99
Indicator Lead in Housing:	5.91
Effects Cleanup Sites:	27.94
Effects Groundwater Threats:	25.09
Effects Hazardous Waste:	66.72
Effects Impaired Water:	43.78
Effects Solid Waste:	22.08
Sensitive Population	Weighted Percentile
... Percentile	7.36
Population Asthma:	0.82
Population Low Birth Weight:	67.17
Population Cardiovascular Disease:	1.05
Population Education:	5.10
Population Linguistic Isolation:	27.26
Population Poverty:	10.14
Population Unemployment:	11.87
Population Housing Burden:	25.73

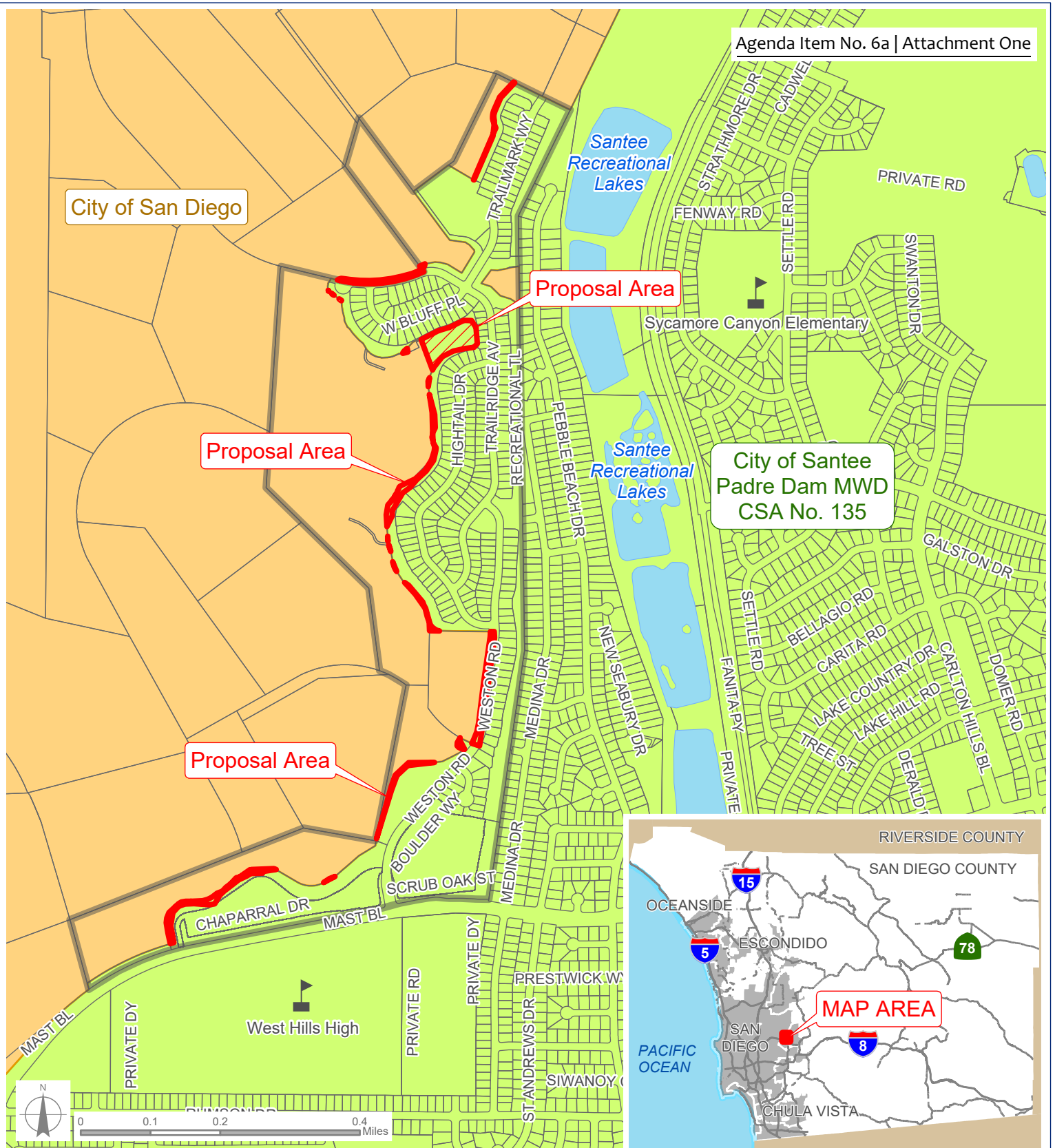
- q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The City of Santee and San Diego’s General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies in between a Medium to Very High Fire Hazard Zone.

- r) 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 reorganization would be in the best interest of the current and future landowners and/or residents of the affected territory by making clear the boundaries of each service provider going forward.

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RO22-05

**"WESTON BOUNDARY CLEANUP REORGANIZATION" |
BOUNDARY ADJUSTMENTS INVOLVING CITY OF
SAN DIEGO, CITY OF SANTEE, PADRE DAM MWD,
& CSA NO. 135 WITH CONFORMING
SPHERE OF INFLUENCE**

-  Proposal Area
-  Weston Overall Project Area
-  City of San Diego
-  City of Santee, Padre Dam MWD,
& CSA No. 135



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 AND ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS

**“WESTON BOUNDARY CLEANUP REORGANIZATION”
CONCURRENT ANNEXATIONS AND DETACHMENTS INVOLVING THE CITY OF SAN DIEGO,
CITY OF SANTEE, PADRE DAM MUNICIPAL WATER DISTRICT, AND COUNTY SERVICE AREA
No. 135 AND RELATED SPHERE OF INFLUENCE ACTIONS**

LAFCO FILE NO. RO22-05

WHEREAS, on February 28, 2022, the City of Santee filed a resolution of application with the San Diego County Local Agency Formation Commission, hereafter “Commission,” to initiate jurisdictional changes under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, on November 2, 2015, the Commission approved the “Castlerock Reorganization” (RO13-99) which involved the detachment of approximately 114.8 incorporated acres from the City of San Diego and annexation of the affected territory to the City of Santee, County Service Area No. 135 and No. 69, and Padre Dam Municipal Water District to accommodate the planned development for the “Castlerock” project; and

WHEREAS, the application seeks approval to reorganize approximately 5.3 acres of incorporated territory within the Cities of Santee and San Diego as a “clean-up” to the Commission’s prior approval of the “Castlerock Reorganization” (RO13-99); and

WHEREAS, the proposed reorganization involves four subject agencies: City of Santee; City of San Diego; Padre Dam Municipal Water District; and County Service Area No. 135; and

WHEREAS, the City of San Diego and Padre Dam Municipal Water District have filed resolutions in support of the proposed reorganization and its provisions to make certain corrections to the jurisdictional boundaries to align with an earlier approved tentative map for the associated Weston subdivision (previously Castlerock); and

WHEREAS, the subject agencies have agreed to a property tax exchange applicable to the proposed reorganization as part of an annexation agreement, dated August 26, 2013; and

WHEREAS, the proposed reorganization necessitates the Commission consider certain conforming sphere of influence amendments to accommodate the jurisdictional changes; and

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

WHEREAS, the Executive Officer’s written report and recommendations on the proposed reorganization and conforming sphere of influence amendments have been presented to the Commission in the manner provided by law; and

WHEREAS, staff published a notice of public hearing regarding this proposal in the San Diego Union Tribune on January 9, 2023 ;

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on February 6, 2023;

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56425 and 56668 as well as adopted local policies and procedures.

NOW, THEREFORE, the Commission hereby finds, determines, and orders the following:

1. The public hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.
2. At the public hearing, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer’s report.
3. The Commission serves as responsible agency under the California Environmental Quality Act (CEQA) in considering one distinct “project” associated with the reorganization proposal and as detailed in the Executive Officer’s report: (a) accommodating sphere of influence amendments. The City of Santee serves as lead agency under CEQA in considering the physical effects of the reorganization proposal and as detailed in the Executive Officer’s report: (b) the reorganization itself. The Commission’s findings follow.
 - a) The Commission serves as lead agency under CEQA for the conforming sphere of influence amendments associated with accommodating the reorganization. The Commission finds this action – and specifically sphere of influence amendments to City of Santee, City of San Diego, and Padre Dam Municipal Water District as detailed in the Executive Officer’s report – is a project under CEQA but exempt from further review under State Guidelines 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) in and of itself does not change the environment of authorize any new uses or services.
 - b) The City of Santee serves as lead agency under CEQA for considering the physical effects of the reorganization proposal as the initiating party. In this role as lead

agency, Santee has determined the reorganization proposal is a “project” under CEQA but no further review is required. Santee finds all potential impacts have already been adequately considered and/or mitigated as part of the environmental impact report (EIR) prepared and certified by the City of San Diego (SCH No. 2004061029) for the Weston subdivision approval. As responsible agency, the Commission independently concurs with Santee’s finding.

4. The Commission CONDITIONALLY APPROVES the sphere of influence amendments for City of San Diego, City of Santee, and Padre Dam Municipal Water District to accommodate and otherwise match the reorganization as shown in Exhibit A and justified in the statements made in Exhibit B.
 - a) Approval of the above-stated sphere of influence amendments is contingent upon the approval and related issuance of a Certificate of Completion.
5. The Commission CONDITIONALLY APPROVES the reorganization as submitted (no modifications) and the associated jurisdictional changes for City of Santee, City of San Diego, Padre Dam Municipal Water District, and County Service Area No. 135 as shown in Exhibit C and further described in Exhibit D.
6. The Commission’s approval conditions for the reorganization under No. 5 are subject to the following terms being satisfied by February 6, 2024 unless an extension is requested 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 maps and geographic descriptions of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division as determined by the County of San Diego Assessor’s Office.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$100.00 to reimburse for filing two CEQA Notices of Exemption consistent with the findings in this resolution.
 - A check made payable to LAFCO in the amount of \$1,235.52 to reimburse for the public hearing notice publication.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$3,500.00.

- Any other fees required under the adopted LAFCO fee schedule as attested by the Executive Officer.
7. The proposal is assigned the following distinctive short-term designation:

“Weston Boundary Cleanup Reorganization”
 8. The affected territory as designated by the Commission is uninhabited as defined in Government Code 56046.
 9. The Commission waives protest proceedings for the reorganization under Government Code Section 56662.
 10. All subject agencies utilize the regular assessment roll of the County of San Diego.
 11. As applicable, the affected territory will be liable for any existing bonds, contracts, and/or obligations of the annexing subject agency provided under Government Code Section 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges under Government Code Section 57330.
 12. Per Government Code Section 57202, the effective date of the approval shall be the date of recordation of the Certificate of Completion.
 13. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.
 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. All general terms governing annexations authorized under Government Code Section 57300-57354 apply to this reorganization.
 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 February 6, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

ATTEST:

Keene Simonds
Executive Officer

EXHIBIT A
APPROVED SPHERE OF INFLUENCE AMENDMENTS

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EXHIBIT B
STATEMENTS IN SUPPORT OF THE APPROVED
SPHERE OF INFLUENCE AMENDMENTS UNDER GOVERNMENT CODE SECTION 56425

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EXHIBIT C
MAPS OF APPROVED JURISDICTONAL CHANGES

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EXHIBIT D

**GEOGRAPHIC DESCRIPTIONS OF
APPROVED JURISDICITONAL CHANGES**

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RESOLUTION NO. 007-2022

A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN DIEGO INITIATE PROCEEDINGS FOR THE WESTON BOUNDARY CLEANUP REORGANIZATION

WHEREAS, on or about August 26, 2013, the City of Santee (“Santee”), the City of San Diego (“San Diego”), Padre Dam Municipal Water District (“Padre Dam”), and Pardee Homes (now Tri Pointe Homes), entered into an Annexation Agreement to set forth the terms and conditions upon which a residential development project property consisting of approximately 108.72 acres for the proposed “Castlerock” Project, a development now known as Weston (“Weston Property”), would be detached from San Diego and annexed into Santee, Padre Dam, and County Service Areas (“CSAs”) 69 and 135; and

WHEREAS, pursuant to the Annexation Agreement, on October 9, 2013, Santee adopted Resolution No. 088-2013 initiating proceedings pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, § 56000 et seq.) (the “Act”), for the above-mentioned changes of organization; and

WHEREAS, on November 2, 2015, the Local Agency Formation Commission of the County of San Diego (“LAFCO”) approved “The Castlerock Reorganization (City of Santee) RO13-99”, a reorganization that accomplished the annexations and detachments as well as related sphere of influence amendments involving Santee, San Diego, Padre Dam, and CSAs 69 and 135 (“Original 2015 Reorganization”); and

WHEREAS, the Weston Property has been fully developed; and

WHEREAS, during the development process, it was determined that there were discrepancies between the tentative map included in the Annexation Agreement, and the annexation map ultimately adopted by LAFCO; specifically, the vernal pool lot that was to remain in San Diego was unintentionally annexed into Santee and Padre Dam, and portions of Weston Road and Trailridge Avenue were split between Santee / Padre Dam, and San Diego; and

WHEREAS, a corrective effort is needed to resolve inadvertent boundary description errors in order to adhere to conservation easements, to ensure that the portions of Weston Road and Trailridge Avenue that are split between jurisdictions will be annexed to and become a part of Santee and Padre Dam’s boundaries and sphere of influence, and that the vernal pools and other portions of the San Diego Multi-Habitat Planning Areas are detached from Santee and Padre Dam, and annexed back into San Diego’s boundaries and sphere of influence; and

WHEREAS, Santee, in collaboration with Tri Pointe Homes, Padre Dam, San Diego, the County of San Diego, the Santee School District, and SDG&E, has been working to correct the boundary discrepancy issue to ensure all boundaries are accurate; and

WHEREAS, the territory within the boundary correction areas is uninhabited, and no residential development will occur within the boundary correction areas; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) for the Weston project, including the Annexation Agreement, was certified by San Diego in 2013, and considered by Santee and Padre Dam as responsible agencies. (See, Final Program EIR SCH NO. 2004061029, for the Residential Development Project (as defined in Sections 2.3 and 3.34 of the Annexation Agreement) certified by San Diego pursuant to CEQA, Public Resources Code section 21000 et seq. (CEQA), technical studies in support of the EIR, CEQA Findings of Fact, Statement of Overriding Considerations, and the

RESOLUTION NO. 007-2022

Mitigation Monitoring and Reporting Program. (See, Annexation Agreement Section 3.14.)). The proposed reorganization is solely a boundary clarification consistent with the project analyzed in the EIR and approved in 2013; and

WHEREAS, the proposed annexations and detachments are not consistent with the spheres of influence of Santee, San Diego, Padre Dam, CSA 69 or CSA 135; and

WHEREAS, Santee desires to initiate proceedings pursuant to the Act seeking approval of the following organization and jurisdictional changes:

- Annexation of certain territory (approximately 3.8 acres) to San Diego, with concurrent detachment from Santee, Padre Dam, CSA 69 and CSA 135, as indicated on the map attached as Exhibit A;
- Annexation of certain territory (approximately 1.5 acres) to Santee, Padre Dam, CSA 69 and CSA 135, with concurrent detachment from San Diego, as indicated on the map attached as Exhibit A;
- Amendments to the applicable spheres of influence of Santee, San Diego, Padre Dam, CSA 69 and 135 to reflect the above described detachments and annexations.

Together, the above changes of organization and sphere of influence adjustments are hereafter referred to as the “Weston Boundary Cleanup Reorganization;” and

WHEREAS, the Annexation Agreement included a Plan for Providing Services as required by Government Code Section 56653, which still applies; and

WHEREAS, no new or additional sewer service, water service, fire protection service, or police protection service is requested or required by the Weston Boundary Cleanup Reorganization; and

WHEREAS, no further CEQA review is required for the Weston Boundary Cleanup Reorganization.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santee, California, that the City of Santee hereby requests LAFCO to initiate proceedings for the Weston Boundary Cleanup Reorganization as supported by the following findings and subject to the following terms and conditions:

SECTION 1. Effective Date of Reorganization. In accordance with Government Code section 57202(a), the effective date of the Weston Boundary Cleanup Reorganization shall be upon the date of recordation of the Certificate of Completion with the Recorder’s Office of the County of San Diego, which Santee desires to occur as soon after LAFCO approval of the Weston Boundary Cleanup Reorganization as is reasonably possible (“Reorganization Effective Date”).

SECTION 2. Sphere of Influence Amendments Effective Date. The Sphere of Influence Amendments Effective Date shall be the date of LAFCO’s approval of the Weston Boundary Cleanup Reorganization.

SECTION 3. Processing of and Services to the Weston Project After the Reorganization Effective Date. The Annexation Agreement outlines the roles of San Diego, Santee, Padre Dam, and Tri Pointe Homes. The obligations set forth in the Annexation Agreement, and the Plan for Providing Services included in the Original 2015 Reorganization remain the same.

RESOLUTION NO. 007-2022

SECTION 4. Provision of Municipal Services to the Annexation Property. The Plan for Providing Services submitted with the Original 2015 Reorganization remains unchanged.

SECTION 5. Additional Terms and Conditions. The City Council acknowledges that LAFCO may impose additional terms and conditions on the Weston Boundary Cleanup Reorganization beyond those set forth in this Resolution of Application. Santee, San Diego, Padre Dam, and Tri Pointe Homes shall reasonably consider such terms and conditions and support them unless any such LAFCO imposed term or condition is in fundamental conflict with the terms and conditions stated in this Resolution of Application or with the Application.

SECTION 6. CEQA Compliance. The City Council finds that because an EIR for the Weston project, including the Annexation Agreement, was certified by San Diego in 2013 and considered by Santee and Padre Dam as responsible agencies (See, Final Program EIR, SCH NO. 2004061029, for the Residential Development Project (as defined in Sections 2.3 and 3.34 of the Annexation Agreement) certified by San Diego pursuant to CEQA, Public Resources Code section 21000 et seq. (CEQA), technical studies in support of the EIR, CEQA Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (See, Annexation Agreement Section 3.14.)), and the proposed Weston Boundary Cleanup Reorganization is solely a boundary clarification consistent with the project analyzed in the EIR and approved in 2013, no further CEQA review is required for the Weston Boundary Cleanup Reorganization.

BE IT FURTHER RESOLVED by the City Council of the City of Santee, California, that this Resolution of Application is hereby approved and adopted and LAFCO is hereby requested to initiate proceedings for the proposed Weston Boundary Cleanup Reorganization that includes the territory as described in Exhibit "A," according to the terms and conditions stated above and, in the manner, provided by the Cortese Knox Hertzberg Local Government Reorganization Act of 2000. The City Manager is hereby directed file a certified copy of this Resolution of Application together with the required LAFCO application document, once finalized, applicable LAFCO fees and/or charges, and other documents with the Executive Officer of LAFCO.

ADOPTED by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 26th day of January, 2022, by the following roll call vote to wit:

AYES: HALL, KOVAL, MCNELIS, MINTO, TROTTER

NOES: NONE

ABSENT: NONE

APPROVED:



JOHN W. MINTO, MAYOR

ATTEST:



ANNETTE ORTIZ, CMC, CITY CLERK

EXHIBIT A – Map of Proposed Weston Boundary Cleanup Reorganization

EXHIBIT A

MAP OF PROPOSED WESTON BOUNDARY CLEANUP REORGANIZATION

[Attached behind this cover page]

WHEN RECORDED MAIL TO:

City of Santee
10601 Magnolia Avenue
Santee, CA 92071
Attn: City Clerk

Exempt from Filing Fees
Government Code § 27383

(Space above for Recorder's Use)

ANNEXATION AGREEMENT

among

THE CITY OF SANTEE

a California Municipal Corporation,

and

THE CITY OF SAN DIEGO

a California Municipal Corporation,

and

PADRE DAM MUNICIPAL WATER DISTRICT

a California municipal water district,

and

PARDEE HOMES,

a California Corporation.

[Dated as of 8/26/2013 for reference purposes only]

For good and valuable consideration, including, but not limited to, the promises and mutual covenants set forth in this Annexation Agreement, the receipt and sufficiency of which is hereby acknowledged, the City of Santee, the City of San Diego, the Padre Dam Municipal Water District and Pardee Homes agree as follows:

ARTICLE 1

PARTIES AND EFFECTIVE DATE

1.1 **Parties.** This Annexation Agreement (“Agreement”) is entered into among: (i) the City of Santee (“Santee”), a municipal corporation and California charter city; (ii) the City of San Diego (“San Diego”), a municipal corporation and California charter city; (iii) Padre Dam Municipal Water District (“Padre Dam”), a California municipal water district; and (iv) Pardee Homes (“Pardee”), a California Corporation. Santee, San Diego, Padre Dam, and Pardee are sometimes referred to in this Agreement individually as a “Party” and collectively as the “Parties.” This Agreement is dated as of August 26, 2013, for reference purposes only, and will become effective upon the “Effective Date” as defined in Section 1.2 below.

1.2 **Effective Date.** This Agreement will become effective on the first date (“Effective Date”) on which all the following have occurred: (i) this Agreement has been approved by Pardee, executed by its legally authorized officers, and delivered to Santee, Padre Dam and San Diego; (ii) this Agreement has been approved by San Diego’s City Council and executed by its duly authorized representative as designated by the San Diego City Council; (iii) this Agreement has been approved by the Santee City Council and executed by its duly authorized representative as designated by the Santee City Council; and (iv) this Agreement has been approved by Padre Dam and executed by its duly authorized representative as designated by the Padre Dam Board of Directors.

ARTICLE 2

RECITALS

2.1 Pardee owns 203.64 acres of uninhabited land (the “Residential Development Project Property”), located in the undeveloped area of San Diego within the adopted East Elliott Community Plan Area, adjacent to the jurisdictional boundaries of Santee and Padre Dam, as described and depicted in Exhibit A, attached hereto.

2.2 Pardee represents and warrants to the Parties that Pardee is the legal title holder and owner of record of the Residential Development Project Property and that no other parties have a legal or equitable interest in the Residential Development Project Property.

2.3 Pardee intends to develop the Castlerock Project (the “Residential Development Project”), which, as approved by San Diego, consists of a residential development not to exceed 430 units on a 108.72-acre portion of the Residential Development Project Property. The details of the Residential Development Project are described and depicted in exhibits to the Residential Development Project’s vesting tentative map and its Environmental Impact Report (“EIR”)

(identified therein as the “Annexation Scenario”), as approved and certified by San Diego, and are incorporated herein by this reference.

2.4 As provided in this Agreement, the Parties desire that the 108.72-acre portion of the Residential Development Project Property on which Pardee will construct the Residential Development Project (the “Annexation Property”) be detached from San Diego and annexed into the jurisdictional boundaries of Santee and Padre Dam. In addition, the Parties intend that the remaining approximately 94-acre portion of the Residential Development Project Property remain in San Diego as open space (the “Open Space Property”). The process by which these jurisdictional changes will occur are collectively referred to in this Agreement as the “Reorganization.”

2.5 The East Elliott Community Plan contemplates that the Annexation Property should be detached from San Diego and annexed to Santee. Specifically, the East Elliott Community Plan contains the following statement: “Due to a lack of nearby residential development or services in San Diego and proximity to residential areas, services and utilities in Santee, de-annexation of this 117 acre area to Santee should be considered if in the future Santee favors such an annexation.” The General Plan Land Use Element, Section K states, “Additionally, discussions regarding reorganizations or boundary adjustments between the City and other adjacent jurisdictions will occur over time and will require further evaluation.”

2.6 The Land Use Element of the City of Santee’s General Plan recognizes that residential development on the Annexation Property might be made compatible with adjacent development in Santee, if the traffic impacts and fiscal impacts associated with the provision of municipal services are mitigated. Specifically, Santee’s General Plan states:

East Elliot Development. The East Elliot area of the City of San Diego borders Santee along the City’s western boundary. While the majority of this area is planned for preservation as part of the City of San Diego’s Multiple Species Conservation Program Subarea Plan, there are areas directly on the City’s western border that are designated for future residential development.

While residential development itself would be compatible with the adjacent residential development in Santee, there could be impacts to the City from the additional traffic generated by any future development as well as fiscal impacts resulting from the City providing automatic aid public services such as fire, emergency transport and law enforcement to this area.

...

Policy 10.1. The City should actively pursue annexation of the land currently under the jurisdiction of the City of San Diego, which is located along the San Diego River at the western City limits to the Mission Trails Regional Park MTRP, and in the East Elliot Area on the City’s western boundary.

Policy 10.2. The City should cooperate with adjacent jurisdictions in establishing a Sphere of Influence.

Policy 10.3. The City shall establish a Planning Area as identified in figure 1-5, Planning Area, pursuant to the provision of Section 65300 of the California Government Code.

2.7 Prior to the Effective Date of this Agreement, Santee, San Diego, and Pardee approved two non-binding, inter-related letters of intent (collectively, "LOI") setting forth: (i) Santee and San Diego's reservation of rights to exercise their discretion as to all matters to negotiate or terminate negotiation of a binding annexation agreement; (ii) an understanding that San Diego would serve as the Lead Agency for CEQA purposes and include an independent analysis of the environmental impacts of a scenario where the Annexation Property would be annexed into Santee; and (iii) an understanding that if San Diego approved the Residential Development Project and an annexation agreement, then Santee would independently evaluate whether to support the Reorganization, and if so, execute a binding annexation agreement and serve as the LAFCO Applicant for LAFCO purposes in processing the Reorganization through LAFCO.

2.8 Pursuant to the authority to enter into annexation-related contracts (*Morrison Homes Corporation v. City of Pleasanton* (1974) 58 Cal. App. 3d 724, 733), this Agreement sets forth the process for and the terms and conditions upon which the Annexation Property may be detached from San Diego and annexed into Santee and Padre Dam through the Reorganization, in the event San Diego approves the Residential Development Project.

2.9 Due to the complexity and magnitude of the Residential Development Project, as well as the substantial financial investment associated with the development, Pardee desires for Santee, Padre Dam and San Diego to provide a sufficient degree of certainty regarding the provision of municipal services to the Annexation Property after San Diego approves the Residential Development Project. Pursuant to this Agreement, San Diego, Padre Dam and Santee provide assurances to Pardee that it will have the right to develop the Residential Development Project in accordance with the Residential Development Project Entitlements on the terms and conditions provided in this Agreement.

ARTICLE 3

DEFINITIONS

3.1 "Affected Local Agency" has the definition provided in Government Code section 56014.

3.2 "Agreement" means this Annexation Agreement.

3.3 "Annexation" has the definition provided in Government Code section 56017 and, for this Agreement, means more specifically the addition of the Annexation Property to the jurisdictional boundaries of Santee, Padre Dam, and any other Affected Local Agency.

3.4 “Annexation Property” means the portion of the Residential Development Project Property that will be annexed into the jurisdictional boundaries of Santee and Padre Dam, as provided in Section 2.3 of this Agreement and described and depicted in Exhibit B, attached hereto. All references to annexation, detachment or reorganization refer to the Annexation Property.

3.5 “Annexation Scenario” means the development scenario further defined in the EIR whereby the Residential Development Project would be approved, permitted and inspected by San Diego with 430 units and annexed into the jurisdictional boundaries of Santee and Padre Dam. As used in this Agreement, the Residential Development Project refers only to the Annexation Scenario, unless otherwise expressly provided.

3.6 “Application” has the definition provided in Section 4.1.2 of this Agreement.

3.7 “Approval of Reorganization” means LAFCO’s adoption of a resolution making determinations to approve the Reorganization pursuant to Government Code section 56880.

3.8 “Building Codes” means standard, uniform codes governing construction, as adopted in California and/or San Diego. Examples of Building Codes include the California Building Code, the National Electrical Code, the Uniform Plumbing Code, the Uniform Mechanical Code, the Uniform Housing Code, and the Uniform Code for the Abatement of Dangerous Buildings.

3.9 “CEQA” means the California Environmental Quality Act, Public Resources Code section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 (“CEQA Guidelines”).

3.10 “Certificate of Completion” has the definition provided in Government Code section 56020.5.

3.11 “Detachment” has the definition provided in Government Code section 56033, and, for this Agreement, means more specifically the removal of the Annexation Property from the jurisdictional boundaries of San Diego.

3.12 “Early Termination” has the definition provided in Section 8.7.2 of this Agreement.

3.13 “Effective Date” has the definition provided in Section 1.2 of this Agreement.

3.14 “EIR” means the Final Program Environmental Impact Report, SCH No. 2004061029, for the Residential Development Project certified by San Diego pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et. seq. (CEQA), technical studies in support of the EIR, CEQA Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program.

3.15 “Executive Officer” has the definition provided in Government Code section 56038 and, for this Agreement, means the Executive Officer of LAFCO.

3.16 “Expiration” has the definition provided in Section 8.7.1 of this Agreement.

3.17 “Fiscal Impact Analysis” means the fiscal study required by Section 5.4 of this Agreement.

3.18 “Initiate” or “Initiation” has the definition provided in Government Code section 56047.

3.19 “LAFCO” means the Local Agency Formation Commission of the County of San Diego, or any successor entity thereto.

3.20 “LAFCO Final Decision” means when LAFCO has recorded the Certificate of Completion with the Records Office of the County of San Diego and (i) any ordinances or resolutions with respect to the Certificate of Completion have taken effect; (ii) the time has passed for any request for reconsideration or appeal of LAFCO’S Approval of Reorganization or the Certificate of Completion to any administrative agency or court with appeal jurisdiction over such approvals or appeals in connection therewith; (iii) no notice of referendum or initiative with respect thereto has been published or publicized; and (iv) any appeal or litigation with respect to the Certificate of Completion or LAFCO’S Approval of Reorganization has been prosecuted and resolved in a manner which is not subject to remand to lower courts or governmental agencies.

3.21 “Landowner” has the definition provided in Government Code section 56048 and, for this Agreement, is equivalent to Pardee.

3.22 “Lead Agency for CEQA” has the definition provided in Public Resources Code section 21067 and section 15050 et seq. of the State CEQA Guidelines, and, unless text otherwise indicates, refers to San Diego and its efforts to process the Residential Development Project Entitlements.

3.23 “LAFCO Applicant” refers to Santee and its efforts to process the Reorganization through LAFCO.

3.24 “LOI” means, collectively, the two interrelated letters of intent by and among San Diego, Santee, and Pardee approved by the respective Parties.

3.25 “No Annexation Scenario” means the development scenario further defined in the EIR whereby the Residential Development Project would be built-out in San Diego with 422 units and remain in San Diego.

3.26 “Open Space Property” means the portion of the Residential Development Project Property that will not be annexed into the jurisdictional boundaries of Santee and Padre Dam, as described and depicted in Exhibit C, attached hereto.

3.27 “Padre Dam” means the Padre Dam Municipal Water District, a California municipal water district.

3.28 “Pardee” means Pardee Homes, a California corporation with its principal place of business located at Los Angeles, California.

3.29 "Parties" means, collectively, San Diego, Santee, Padre Dam and Pardee.

3.30 "Party" means, individually, San Diego, Santee, Padre Dam or Pardee.

3.31 "Permit Condition" means a condition to be included in the Residential Development Project Entitlements set forth by San Diego that reads substantially as follows:

"With payment of San Diego processing fees, Pardee may process and complete all requirements necessary for a final map. However, San Diego shall only approve a final map, under the following circumstances:

(a) Upon the Approval of Reorganization, and upon satisfaction of all requirements for obtaining a final map, and upon execution by Pardee of Padre Dam's Contract to Make, Install and Complete Water and/or Sewer Facilities setting forth Padre Dam's requirements for installation of water, wastewater and or recycled water facilities, and submission to Padre Dam of a satisfactory faithful performance bond, San Diego may approve the final map, for the Annexation Scenario.

(b) If (1) LAFCO fails to approve the Reorganization and the Annexation Agreement terminates; (2) either City of Santee fails to approve the Annexation Agreement within 45 days (as may be extended by mutual written consent of the Parties) of San Diego's introduction of an ordinance approving the Annexation Agreement or Padre Dam Municipal Water District fails to approve the Annexation Agreement within 30 days of the latter of (i) the final passage of the City of San Diego ordinance approving the Annexation Agreement or (ii) City of Santee's approval of the Annexation Agreement (as these dates may be extended by mutual written consent of the Parties); or (3) the City of San Diego, City of Santee or Padre Dam Municipal Water District fail to approve either a Resolution of Application for LAFCO to Take Proceedings on the Reorganization or a Resolution of Support for the LAFCO Application, respectively, pursuant to section 4.1 of this Agreement, then upon satisfaction of all requirements for obtaining a final map, San Diego may consider approval of the final map for the No Annexation Scenario by the San Diego City Council."

The Parties agree and acknowledge Santee and Padre Dam's execution of this Agreement permitting San Diego's consideration of the approval of the final map for the No Annexation Scenario does not constitute a waiver of the rights of Santee and Padre Dam to challenge the approval of the No Annexation Scenario and the approval of the final map for the No Annexation Scenario.

3.32 "Reorganization" means the Detachment of the Annexation Property from San Diego and Annexation of the Annexation Property into the jurisdictional boundaries of Santee, Padre Dam, CSA No. 69, and other Affected Local Agency, as provided in Government Code section 56073 and sections 56650 et seq., as well as any required adjustments to the Santee, Padre Dam, and San Diego Spheres of Influence and related changes to the jurisdictional boundaries and/or Spheres of Influence of any other Affected Local Agency, as set forth in Santee's Resolution of Application for Reorganization.

3.33 “Reorganization Effective Date” has the definition provided in Section 5.1 of this Agreement.

3.34 “Residential Development Project” means the Castlerock Project proposed by Pardee for construction on the Residential Development Property, as is more particularly defined in Section 2.3 of this Agreement. As used in this Agreement, the term Residential Development Property refers only to the Annexation Scenario, unless the No Annexation Scenario is expressly referenced.

3.35 “Residential Development Project Build-Out” means the issuance of the last permit needed to occupy and use the last structure or facility identified in the Residential Development Project Entitlements or an earlier time as the Parties may mutually agree in writing.

3.36 “Residential Development Project Entitlements” means the discretionary approvals issued by San Diego as part of the approval of the Residential Development Project. The Residential Development Project Entitlements include, but are not limited to, the certification of the EIR and related approvals required pursuant to CEQA, Planned Development Permit, Site Development Permit for Environmentally Sensitive Lands, the Rezone, General Plan Amendment, Community Plan Amendment, Vesting Tentative Subdivision Map, MSCP Boundary Line Adjustment and any facilities financing mechanisms. As used in this Agreement, Residential Development Project Entitlements refers only to the entitlements for the Annexation Scenario, unless the No Annexation Scenario is expressly referenced.

3.37 “Residential Development Project Property” has the definition provided in Section 2.1 of this Agreement and is described and depicted in Exhibit A, attached hereto.

3.38 “Resolution of Application for Reorganization” means the document that Santee will approve in order to initiate the Reorganization, as provided in Government Code section 56073.1.

3.39 “San Diego” means the City of San Diego, a California municipal corporation and charter city.

3.40 “Santee” means the City of Santee, a California municipal corporation and charter city.

3.41 “Sphere of Influence” has the definition provided in Government Code section 56076.

ARTICLE 4

THE REORGANIZATION

4.1 Initiation of Proceedings.

4.1.1 Santee as Proponent of Reorganization. Santee, as the LAFCO Applicant, shall adopt a Resolution of Application for Reorganization, in substantially the form described in Exhibit D, attached hereto, within sixty (60) calendar days of the Effective Date of this Agreement or concurrent with a hearing to approve this Agreement. Pardee, San Diego, Santee, and Padre Dam shall review and approve in writing all modifications to the attached Resolution of Application for Reorganization prior to adoption by Santee and submission to LAFCO. For purposes of this paragraph only, the review and approval of modifications to the Resolution of Application may be made by the City Manager of Santee, Mayor of San Diego, the General Manager of Padre Dam or their respective designees. Santee shall process the Reorganization with LAFCO to obtain a Certificate of Completion for the Reorganization. Except as otherwise provided in this Agreement, Santee hereby irrevocably consents to the Reorganization and agrees to not in any way object to, protest, delay, frustrate, or otherwise impede the Reorganization. Provided that Pardee, Padre Dam, and San Diego have fully complied with their obligations set forth in this Agreement, Santee shall cooperate in every reasonable way with the requests of Pardee, San Diego, Padre Dam, LAFCO, and any other Affected Local Agency in any proceedings for the Reorganization. Notwithstanding any other provision herein, failure to adopt the applicable resolution within 60 calendar days or obtain the parties' written mutual consent for an extension of time to adopt the applicable resolution will terminate this Agreement and cause San Diego's discretionary approval of the Residential Development Project Entitlements related to the No Annexation Scenario to go into effect. The tolling provisions of section 7.5 shall survive the termination and Santee and Padre Dam shall have the right to file a claim related to such Residential Development Project Entitlements within 30 days.

4.1.2 Timing, Form and Content of Application. Santee shall submit an Application for Reorganization ("Application") within sixty (60) calendar days of its approval of a Resolution of Application for Reorganization. The form and content of the Application shall be as provided in Government Code section 56652 and LAFCO policy, including any necessary information regarding an adjustment to Santee's Sphere of Influence and Padre Dam's Sphere of Influence in order to serve the Annexation Property and shall be in substantially the form described in Exhibit E, attached hereto. Pardee, San Diego, Santee, and Padre Dam shall review and approve in writing all modifications to the attached Application prior to submission to LAFCO. For purposes of this paragraph only, review and approval of modifications to the Application may be made by the City Manager of Santee, Mayor of San Diego, the General Manager of Padre Dam or their respective designees. The Application will also include this Agreement. The Parties agree to jointly work to ensure that the Application satisfies the LAFCO form and content requirements.

4.1.3 San Diego Resolution of Support. San Diego shall adopt a Resolution of Support for Santee's Application within sixty (60) calendar days of the Effective Date of this Agreement or concurrent with a hearing to approve this Agreement. Except as otherwise provided in this Agreement, San Diego hereby irrevocably consents to the Reorganization and agrees to not in any way object to, protest, delay, frustrate, or otherwise impede the Reorganization. Provided that Pardee, Padre Dam and Santee have fully complied with their obligations set forth in this Agreement, San Diego shall cooperate in every reasonable way with the requests of Pardee, Santee, LAFCO, Padre Dam and any other Affected Local Agency in any proceedings for the Reorganization. Notwithstanding any other provision herein, failure to adopt

the applicable resolution within 60 calendar days or obtain the parties' written mutual consent for an extension of time to adopt the applicable resolution will terminate this Agreement and cause San Diego's discretionary approval of the Residential Development Project Entitlements related to the No Annexation Scenario to go into effect. The tolling provisions of section 7.5 shall survive the termination and Santee and Padre Dam shall have the right to file a claim related to such Residential Development Project Entitlements within 30 days.

4.1.4 Padre Dam Resolution of Support. Padre Dam shall adopt a Resolution of Support for Santee's Application within sixty (60) calendar days of the Effective Date of this Agreement or concurrent with consideration of approval of this Agreement. This resolution shall be included, if feasible, with Santee's Application or, in any case, shall be transmitted to LAFCO not later than thirty (30) calendar days after Santee's submission of the Application to LAFCO. Except as otherwise provided in this Agreement, Padre Dam hereby irrevocably consents to the Reorganization and agrees to not in any way object to, protest, delay, frustrate, or otherwise impede the Reorganization. Provided that Pardee, San Diego and Santee have fully complied with their obligations set forth in this Agreement, Padre Dam shall cooperate in every reasonable way with the requests of Pardee, Santee, LAFCO, San Diego and any Affected Local Agency in any proceedings for the Reorganization. Notwithstanding any other provision herein, failure to adopt the applicable resolution within 60 calendar days or obtain the parties' written mutual consent for an extension of time to adopt the applicable resolution will terminate this Agreement and cause San Diego's discretionary approval of the Residential Development Project Entitlements related to the No Annexation Scenario to go into effect. The tolling provisions of section 7.5 shall survive the termination and Santee and Padre Dam shall have the right to file a claim related to such Residential Development Project Entitlements within 30 days.

4.1.5 Purpose of Resolutions. It is the intent of the Parties that the resolutions called for in this Section 4.1 of the Agreement shall satisfy the provisions of Government Code section 56751(d) and 56857(e) and make the provisions of Government Code sections 56751(a) – (c) and 56857(a) – (d) inapplicable to the Reorganization.

4.1.6 Compliance with Government Code section 56375(a)(7). Government Code section 56375(a)(7) provides that LAFCO "shall require, as a condition to annexation, that a city prezone the territory to be annexed *or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at buildout, and are consistent with the city's general plan.*" (Emphasis added.) The Parties intend this Agreement to serve as satisfactory evidence that the Residential Development Project Entitlements, as applied to the Residential Development Project, are vested and consistent with Santee's General Plan as of the Effective Date.

4.1.7 Landowner-Owner Consent Form; Irrevocable Consent. Within thirty (30) days of the Effective Date of this Agreement, Pardee shall execute and cause to be submitted to Santee in connection with the Application a Landowner-Consent Form in support of the Reorganization in the form required by LAFCO. Except as otherwise provided in this Agreement, Pardee hereby irrevocably consents to the Reorganization and agrees to not in any way object to, protest, delay, frustrate, or otherwise impede the Reorganization. Provided that Santee, Padre Dam and San Diego have fully complied with their obligations set forth in this Agreement, Pardee shall cooperate in every reasonable way with the requests of Santee, Padre

Dam, San Diego, LAFCO, any Affected Local Agency and any other public agency in any proceedings for the Reorganization. Pardee shall also cause to be prepared all legal descriptions, parcel/plan maps and other maps required by LAFCO for the Reorganization.

4.1.8 Plan For Providing Services. A Plan for Providing Services consistent with the requirements in Government Code section 56653, in substantially the form described in Exhibit F, attached hereto, shall be submitted as part of Santee's Application. Pardee, Santee, San Diego and Padre Dam shall review and approve in writing all modifications to the attached Plan for Providing Services prior to submission to LAFCO. For purposes of this paragraph only, the review and approval of modifications to the Plan for Providing Services may be made by the City Manager of Santee, Mayor of San Diego, General Manager of Padre Dam or their respective designees.

4.1.9 Environmental Document. The Parties intend that the EIR shall be the environmental documentation used by San Diego, Santee, LAFCO, Padre Dam, or other Affected Local Agency to comply with CEQA in the consideration of the Reorganization. Pardee shall be responsible for causing the appropriate number of copies of the EIR and related documents to be provided for the Application. If LAFCO requires additional information related to the environmental documentation, the Parties shall make reasonable efforts to provide the information to LAFCO, and Pardee shall be solely responsible for such costs.

4.1.10 LAFCO Processing Fees. Pardee shall be solely responsible for providing all LAFCO processing fees pursuant to LAFCO's standard policies or as may otherwise be required to process the Reorganization.

4.1.11 Complete Application. The Parties anticipate that LAFCO may require additional information prior to deeming the Application complete. The Parties shall make reasonable efforts to provide the information to LAFCO.

4.2 LAFCO Hearing and Decision.

4.2.1 Assistance of Parties to LAFCO Executive Officer and Staff. The Parties shall make reasonable efforts to timely respond to requests for information from the Executive Officer and LAFCO staff as necessary for the processing of the Reorganization through the LAFCO hearing process.

4.2.2 Participation in Hearing Process. The Parties shall make reasonable efforts to ensure that their appropriate representatives prepare for and attend LAFCO meetings and public hearings as necessary for the processing of the Reorganization through the hearing process.

4.3 Reorganization Processing Costs.

4.3.1 Pardee. Pardee shall be solely responsible for all costs and fees, including attorney's fees or other obligations incurred by it for the Residential Development Project, the EIR and the Reorganization. In addition, except as may otherwise be expressly provided in this Agreement, Pardee shall pay all costs and fees, including attorney's fees associated with processing the Residential Development Project, the EIR and the Reorganization and other

obligations of Santee, Padre Dam and San Diego in connection with processing the Residential Development Project, the EIR and the Reorganization. However, such costs and fees shall not include any costs and fees related to any challenge initiated or joined in by Santee, San Diego, or Padre Dam to the issuance of any project permits or approvals. Pardee shall establish or maintain throughout the term of this Agreement refundable deposit accounts with San Diego, Padre Dam and Santee, respectively, against which Santee, Padre Dam, and San Diego may draw its reasonable costs and fees, including attorney's fees, and other monetary obligations. Within ten (10) days of receipt of a written request, Pardee shall replenish the deposit account in accordance with Santee, Padre Dam and San Diego's respective published deposit requirements. Pardee acknowledges and agrees that its failure to replenish the deposit accounts will result in suspension of work by the Party requesting that the account be replenished.

4.3.2 **Santee.** Santee shall be entitled to be reimbursed by Pardee as provided in Section 4.3.1 for its reasonable costs and fees incurred in connection with processing the Residential Development Project, EIR and the Reorganization in accordance with its published fee schedules applicable throughout its territory. Except as may otherwise be expressly provided in this Agreement, Santee shall have no obligation for the costs and fees incurred by Pardee, Padre Dam or San Diego in connection with the Residential Development Project, EIR or the Reorganization.

4.3.3 **San Diego.** San Diego shall be entitled to be reimbursed by Pardee as provided in Section 4.3.1 for its reasonable costs and fees incurred in connection with processing the Residential Development Project, EIR and the Reorganization in accordance with its published fee schedules applicable throughout its territory. Except as may otherwise be expressly provided in this Agreement, San Diego shall have no obligation for the costs and fees incurred by Pardee, Padre Dam or Santee in connection with processing the Residential Development Project, EIR or the Reorganization.

4.3.4 **Padre Dam.** Padre Dam shall be entitled to be reimbursed by Pardee as provided in Section 4.3.1 for its reasonable costs and fees incurred in connection with processing the Residential Development Project, EIR and the Reorganization in accordance with its published fee schedules applicable throughout its service area. Except as may otherwise be expressly provided in this Agreement, Padre Dam shall have no obligation for the costs and fees incurred by Pardee, San Diego, or Santee in connection with processing the Residential Development Project, EIR or the Reorganization.

ARTICLE 5

LAFCO TERMS AND CONDITIONS

5.1 **Effective Date of Reorganization.** In accordance with Government Code section 57202(a), the Parties agree, and shall include as a term and condition in the Application, a condition that the Reorganization Effective Date shall be upon the date of recordation of the Certificate of Completion with the Records Office of the County of San Diego, which the Parties desire to occur as soon after LAFCO Approval of the Reorganization as is reasonably possible.

5.2 [intentionally omitted]

5.3 Processing of and Services to the Residential Development Project After the Reorganization Effective Date.

5.3.1 Role of San Diego. San Diego shall process, permit and inspect the Residential Development Project in accordance with the Residential Development Project Entitlements, including the Permit Condition, applicable Building Codes, policies and practices and this Agreement, except as provided in Section 5.3.3 below. San Diego shall take such actions that it would otherwise take regarding the Residential Development Project absent the Reorganization, except as may be modified by this Agreement.

5.3.2 Role of Santee. Santee shall have no obligation to process, permit or inspect the Residential Development Project. However, Santee shall be provided with reasonable access to the Residential Development Project by Pardee in order to monitor the progress of the Residential Development Project and its compliance with the Residential Development Project Entitlements. In the event that Santee believes, based upon its informal inspection of the Residential Development Project, that the Residential Development Project or portions thereof are not in compliance with the Residential Development Project Entitlements, Santee shall provide written notice of its concerns and the Parties shall meet and confer and make reasonable efforts to resolve them. If the Parties are unable to resolve Santee's concerns through a meet and confer process, the Mayor of San Diego or his or her designee shall make a final administrative decision regarding the concerns, subject to Santee's rights to challenge that decision through the provisions of Article 6 of this Agreement. Pardee shall reimburse Santee for the costs of all reasonably necessary informal inspections, for a total cost not to exceed \$8,000 per calendar year. Such inspections are informal, and in no way alter San Diego's sole authority to process, permit or inspect the Residential Development Project.

5.3.3 Role of Padre Dam. Padre Dam shall process and inspect the plan, design, and construction of the Residential Development Project's water, sewer and recycled water infrastructure for connection to Padre Dam. Padre Dam shall be provided with reasonable access to the Residential Development Project by Pardee in order to monitor the progress of the water, sewer and recycled water infrastructure portion of the Residential Development Project and its compliance with Padre Dam's standards and approved material requirements including but not limited to the Water Agency Standards adopted by Padre Dam, Padre Dam's rules and regulations, and the Contract to Make, Install and Complete Water and/or Sewer Facilities to be entered into by Pardee and Padre Dam prior to commencement of construction. All water, sewer and recycled water facilities shall be inspected and tested in accordance with the Water Agency Standards adopted by Padre Dam. Pardee shall reimburse Padre Dam for the costs of all inspections in accordance with Padre Dam's published fee schedules applicable throughout its service area.

5.3.4 Pardee's Obligation; Property Maintenance. Pardee shall make reasonable efforts to process the Residential Development Project with San Diego, and with Padre Dam with regard to water, sewer and recycled water infrastructure construction, to completion. At all times, Pardee shall maintain the Annexation Property in good condition and

in compliance with reasonable maintenance standards sufficient to keep the Annexation Property free from fire hazards, visible defects, deterioration, dirt and debris.

5.4 Distribution of Processing Fees, Mitigation Fees, Credits, Open Space and Other Revenue from the Residential Development Project and the Residential Development Project Property.

5.4.1 General Intent of the Parties. The Parties intend that the Party that provides a particular service to the Residential Development Project or the Residential Development Project Property, or that will bear the impact for which a fee is imposed, should receive the fees or revenue associated with that service or impact. The Parties desire that this general intent guide the resolution of any future disputes about which Party should receive a fee or revenue associated with the Residential Development Project on the Residential Development Project Property, unless otherwise expressly provided in this Agreement. It is also the intent of the Parties to comply with Government Code sections 66000 - 66025 and not to duplicate fees charged to Pardee.

5.4.2 Annexation Agreement/Revenue Sharing Agreement. The Parties intend this section to fulfill LAFCO requirements for a Revenue Sharing Agreement among the Parties. To the extent not already addressed in this Agreement, Santee, San Diego and Padre Dam shall negotiate any further LAFCO-required revenue sharing agreement allocating the municipal share of property taxes and fee related revenue. Santee shall submit any further LAFCO-required revenue sharing agreement to LAFCO in accordance with legal requirements.

5.4.3 Fiscal Impact Analysis. The Parties have caused the preparation of a Fiscal Impact Analysis, described in Exhibit G, attached hereto, which identifies both the current and anticipated taxes, fees, assessments and other revenue associated with the Residential Development Project and the Annexation Property and the anticipated costs for the provision of various municipal services to the Residential Development Project and the Annexation Property. The Parties intend to use the Fiscal Impact Analysis as a guide to help the Parties to: (a) properly allocate the revenue from the Residential Development Project or Annexation Property to the Party that provides the service or bears the impact for which the revenue is provided, in accordance with the general intent of Section 5.4.1 above; (b) to assist in the calculation of the annual operating deficiency, if any; (c) to avoid duplication of fees; and (d) to help satisfy any LAFCO-related information requirements.

5.4.4 Distribution of Revenue and Other Items. The Parties have attempted to identify the known taxes, fees, assessments, credits, dedications and other revenue generated from the Residential Development Project or the Annexation Property described in Exhibit H, attached hereto, and for each such item, the Parties have designated the Party entitled to receive the item.

5.4.5 Payment of Fees by Pardee. Prior to the issuance by San Diego of any permits for the Residential Development Project, Pardee must pay the fees, assessments or other amount related to the permit and required to be paid prior to permit issuance to the Party entitled to receive the fee, assessment or payment. If the payment is due to San Diego, Pardee shall make such payment directly to San Diego. If the payment is due to Santee or Padre Dam, Pardee

must make the payment directly to Santee or Padre Dam, obtain a receipt for the payment and submit the receipt to San Diego prior to permit issuance. Pardee agrees to use reasonable efforts to ensure that all required fees are paid to the Party designated to receive such payment prior to permit issuance. If a permit is issued prior to the payment of all required fees, Pardee is still obligated to pay the required fee to the designated Party.

5.4.6 Payment of Local Share of Property Taxes. Pardee or other landowners within the Annexation Property shall satisfy their duty to pay tax revenue to the Parties identified in Exhibit H, attached hereto, through payment of applicable property taxes to the County of San Diego's Assessor's Office through the Assessor's Office's proscribed means. If San Diego receives the local government share of property taxes for the Annexation Property after the Reorganization Effective Date, then San Diego shall transfer such property taxes to the Parties identified in Exhibit H, attached hereto, in accordance with the percentage of time during the annual assessment period that services were required to be provided by such Parties pursuant to this Agreement.

5.4.7 Undesignated Government Revenue. In the event that government revenue is generated from the Residential Development Project or the Annexation Property that are not identified, in whole or in part, in this Agreement, such revenue shall be distributed in a manner consistent with the general intent expressed in Section 5.4.1 above. The Mayor of San Diego, the City Manager of Santee and the General Manager of Padre Dam, or their respective designees, as applicable, shall within thirty (30) days of the identification of the revenue meet and confer in good faith to mutually agree upon that should receive such revenue. If the Parties cannot mutually agree, San Diego, Santee and Padre Dam, ("Revenue Disputing Parties") as applicable, shall resolve the issue by participating in at least four hours of mediation prior to filing any court action. The mediation shall be held in San Diego, California, before a mediator selected by the Revenue Disputing Parties. The mediation shall be commenced by any Revenue Disputing Party making a written demand for mediation to another party. Within 15 days after such demand is made, the Revenue Disputing Parties shall mutually select a mediator. If the Revenue Disputing Parties are unable to agree on a mediator, the administrator of JAMS in San Diego, California shall select an independent mediator. The Revenue Disputing Parties to the mediation shall equally share the costs of the mediation, however, no Revenue Disputing Party shall be required to pay more than \$4,000 in connection with any single mediation under this agreement unless such Revenue Disputing Party agrees to do so in writing. All applicable statutes of limitation and defenses based upon the passage of time shall be tolled until 15 days after the date of the mediation session. The Revenue Disputing Parties will take such action, if any, required to effectuate such tolling. California Evidence code § 1119 through § 1128 shall apply to the mediation. If a Revenue Disputing Party fails to cooperate to commence and/or participate in a mediation session, then, notwithstanding anything above, the other Revenue Disputing Party shall be free to file a court action even if no mediation session has taken place. Upon resolution, the Parties shall execute an Annexation Agreement Operating Memorandum confirming the allocation. Such Annexation Agreement Operating Memorandum may be signed by the City Manager of Santee, the Mayor of San Diego, the General Manager of Padre Dam or their respective designees.

5.4.8 Municipal Services Cost Neutrality. The provision of municipal services to the Residential Development Project or Annexation Property is intended be on a cost

neutral basis to Santee. The Parties agree such cost neutrality is satisfied because the Parties caused the preparation of the Fiscal Impact Report, described in Exhibit G, attached hereto, that concludes that Santee's cost of services will be equal to or less than the revenue Santee anticipates it will receive from the Project.

5.4.9 Housing Credits and Inclusionary Affordable Housing Fees. San Diego shall be entitled to receive credit towards its share of the regional housing needs allocation ("RHNA") for the number of qualifying units, if any, in the Residential Development Project. Santee shall make reasonable efforts to assist San Diego in receiving such credit, and agrees to reasonably consider executing any agreements necessary to cause San Diego to receive such credit. In addition, San Diego shall be entitled to receive any and all inclusionary housing fees associated with the Residential Development Project as may be established by the Residential Development Project Entitlements or San Diego's rules and regulations. The anticipated amount based on the current fee and estimated square footage of the homes is identified in Exhibit H, attached hereto. Santee shall not collect inclusionary housing fees or condition Pardee to construct affordable housing units on-site or off-site.

5.4.10 Open Space Deeds and Vernal Pool Maintenance Fees. The City of San Diego shall accept fee title to the Open Space Property identified in the Residential Development Project Entitlements, in accordance with the Residential Development Project Entitlements and Santee shall have no obligation related to open space lands on the Open Space Property. In addition, notwithstanding any other term of this Agreement, San Diego shall be entitled to receive any and all mitigation fees related to the maintenance of vernal pools within the Open Space Property, as identified in Exhibit H, attached hereto.

5.5 Provision of Municipal Services to the Annexation Property.

5.5.1 Water, Sewer, and Recycled Water. Upon the Reorganization Effective Date, Padre Dam shall provide water, sewer and recycled water services to the Annexation Property. Pardee shall construct or cause the construction of all on-site public improvements and off-site public improvements necessary to connect to Padre Dam's water, sewer and recycled water services as required by the Residential Development Project Entitlements and Padre Dam's standards and approved material requirements including but not limited to the Water Agency Standards adopted by Padre Dam, Padre Dam's rules and regulations, and the Contract to Make, Install and Complete Water and/or Sewer Facilities to be entered into by Pardee and Padre Dam prior to commencement of construction. All water, sewer and recycled water facilities shall be inspected and tested in accordance with the Water Agency Standards adopted by Padre Dam. Pardee shall pay sewer and water capacity fees and other applicable fees, to Padre Dam in accordance and compliance with fee schedules in effect at the time of payment by Pardee to Padre Dam, as identified in Exhibit H, attached hereto. Padre Dam shall recover all of its other expenses not associated with the sewer and water capacity fee through monthly water, sewer and recycled water rates charged to users in accordance with rules and regulations applicable to Padre Dam. Upon the Reorganization Effective Date, Padre Dam shall provide water, sewer and recycled water services to the Annexation Property at the same level of service and upon the same terms and conditions as provided to other properties within Padre Dam's service area and assess such users monthly water, sewer and recycled water rates in accordance the rules and regulations applicable to Padre Dam.

5.5.2 Fire & Life Safety. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided primary fire and life safety services to the Annexation Property and San Diego shall provide or cause to be provided fire and life safety services pursuant to the original terms of the 1984 Automatic Aid Agreement between San Diego and the Santee Fire Protection District on file in the Office of the City Clerk of San Diego as Document No. RR-262067 ("Automatic Aid Agreement"). Prior to the Reorganization Effective Date, San Diego shall provide primary fire and life safety services to the Annexation Property and Santee shall provide or cause to be provided fire and life safety services pursuant to the 1984 Automatic Aid Agreement.

5.5.3 Law Enforcement Services. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided primary law enforcement services to the Annexation Property. The Parties acknowledge that Santee provides law enforcement services within its jurisdiction through a contract with the San Diego County Sheriff's Department. Santee anticipates that it will provide law enforcement services to the Annexation Property through its existing contract with the San Diego County Sheriff's Department. Nothing in this Agreement requires Santee to have or maintain its own law enforcement department or to continue its contract with the San Diego County Sheriff's Department; provided, however, that Santee shall provide law enforcement services to the Annexation Property on the same level of service and upon the same terms and conditions as provided other areas of Santee. Prior to the Reorganization Effective Date, San Diego shall provide primary law enforcement services to the Annexation Property.

5.5.4 Other Municipal Services. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided other municipal services to the Annexation Property other than the permitting and inspection services provided by San Diego and Padre Dam under this Agreement.

5.6 Full Faith and Credit Given to Right to Develop the Residential Development Project in Accordance with the Residential Development Project Entitlements.

5.6.1 Full Faith and Credit of Development Rights. The Parties agree that Pardee shall have the right to develop the Residential Development Project in accordance with the Residential Development Project Entitlements, and Santee agrees to give full faith and credit to the Residential Development Project Entitlements on the terms and conditions as issued by San Diego. To the extent the Residential Development Project Entitlements provide Pardee with vested rights to develop the Residential Development Project in accordance with the Residential Development Project Entitlements, Santee agrees to give full faith and credit to those vested rights on the same terms and conditions as San Diego. The full faith and credit created herein is not intended to either expand or contract Pardee's right to develop the Residential Development Project in accordance with the Residential Development Project Entitlements. The full faith and credit created herein is intended to provide Pardee with the assurance that Santee will honor Pardee's vested development rights in the same manner and under the same conditions as San Diego. The Term of this Agreement does not have any effect on any vesting of rights under the Residential Development Project Entitlements or the length of time under which those rights, if any, are vested. Notwithstanding the foregoing, the Parties acknowledge that the Residential Development Project's Vesting Tentative Map is tolled for five years, until a LAFCO Final

Decision on the Reorganization, or until an event described in section 3.31(b) of this Agreement occurs, whichever is earlier, because this Agreement prohibits Pardee from obtaining a final map under certain circumstances. Furthermore, full faith and credit shall be extended for any extensions of the Residential Development Project Entitlements which may exist or are granted in accordance with the San Diego Municipal Code, Subdivision Map Act (including, but not limited to legislatively granted extensions), or other state laws.

5.6.2 Post-Residential Development Project Entitlements Approval Actions by Pardee. After San Diego approval of the Residential Development Project Entitlements, but before the Reorganization Effective Date, and with payment of San Diego processing fees, Pardee may process and complete all requirements necessary for a final map. However, San Diego shall only approve a final map in accordance with the Subdivision Map Act as provided in the Permit Condition.

5.6.3 Development of Annexation Property after Full Residential Development Project Build-Out. Any development of the Annexation Property occurring after full Residential Development Project Build-out that is not governed by the Residential Development Project Entitlements shall conform to the then existing requirements of Santee and Padre Dam. Santee and Padre Dam shall treat any existing development that occurred in accordance with the Residential Development Project Entitlements as legal non-conforming, except to the extent that compliance with Santee and Padre Dam requirements would not unreasonably interfere with such existing development and would be consistent with the requirements imposed by Santee and Padre Dam on existing development outside the Annexation Property.

5.6.4 Santee: Reserved Authority; Changes in Federal or State Law. Notwithstanding anything to the contrary in this Section 5.6, Santee shall have the same rights as possessed by San Diego to apply land use or building requirements that may conflict with the Residential Development Project Entitlements in the same manner and on the same conditions as San Diego, including (a) the reasonable determination that compliance with the Residential Development Project Entitlements would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety; (b) or as necessary to comply with state or federal law or mandates. The action chosen to implement the authority reserved under this Section 5.6.4 shall be of the minimum scope, effect, and duration necessary to accommodate the health and safety issue or higher law.

5.6.5 Padre Dam: Reserved Authority; Changes in Federal or State Law. Notwithstanding anything to the contrary in this Section 5.6, Padre Dam shall have the same rights as possessed by San Diego to apply requirements that may conflict with the Residential Development Project Entitlements in the same manner and on the same conditions as San Diego, including (a) the reasonable determination that compliance with the Residential Development Project Entitlements would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety; (b) or as necessary to comply with state or federal law or mandates. The action chosen to implement the authority reserved under this Section 5.6.5 shall be of the minimum scope, effect, and duration necessary to accommodate the health and safety issue or higher law.

5.7 **Additional Terms and Conditions.**

5.7.1 **Agreed to by Parties.** The Parties may agree to include additional terms and conditions as part of the Resolution of Application for Reorganization and/or Application or the LAFCO process through the Annexation Agreement Operating Memorandum process identified in Section 10.16 of this Agreement.

5.7.2 **Imposed by LAFCO.** The Parties acknowledge that LAFCO may impose additional terms and conditions on the Reorganization beyond those set forth in this Agreement. The Parties shall reasonably consider such terms and conditions and support them unless any such LAFCO imposed term or condition is in fundamental conflict with the terms and conditions of this Agreement.

ARTICLE 6

DEFAULT, BREACH, REMEDIES, MORTGAGEE PROTECTION

6.1 **Default by Pardee.** Pardee shall be in default of this Agreement if it does any or any combination of the following:

6.1.1 Fail to cure a material breach of this Agreement within the time set forth in a written notice of default from Santee, Padre Dam or San Diego.

6.1.2 Willfully violates any order, ruling or decision of any administrative or judicial body having jurisdiction over the Annexation Property or the Residential Development Project. Pardee may contest any such order, ruling or decision by appropriate proceedings conducted in good faith, in which event no default of this Agreement shall be deemed to have occurred unless and until there is a final, non-appealable judicial decision that Pardee willfully violated such obligation.

6.2 **Default by Santee, Padre Dam or San Diego.** Santee, Padre Dam or San Diego shall be in default of this Agreement only if they fail to cure a material breach of this Agreement within the time set forth in a written notice of default.

6.3 **Notice of Default.** A Party alleging a default by the other Party shall serve notice thereof. Each such notice shall state with specificity all of the following:

6.3.1 It is given pursuant to this Agreement.

6.3.2 The nature of the alleged default.

6.3.3 The manner in which the alleged default may be satisfactorily cured.

6.3.4 A period of time in which the default may be cured. The notice of default shall allow at least sixty (60) calendar days to cure the default. If the default is of such a nature as not to be susceptible of cure within said time using the allegedly defaulting Party's diligent efforts, then the allegedly defaulting Party shall only be deemed to have failed to cure the default

if it fails diligently to commence such cure within said time or if it fails diligently to prosecute such cure to its conclusion.

6.4 Remedies for Default. The Parties acknowledge and agree that Santee, San Diego, and Padre Dam would not have entered into this Agreement if they were to be liable in damages to any Party under this Agreement, or with respect to this Agreement or the application thereof. The Parties also acknowledge and agree that Pardee would not have entered into this Agreement without Santee, Padre Dam, and San Diego's assurances set forth in this Agreement, and that Pardee will invest substantial money and effort in reliance upon Santee, Padre Dam, and San Diego's assurances set forth in this Agreement. The Parties therefore acknowledge and agree that the nature of the Reorganization and the terms of this Agreement render ordinary remedies at law inadequate for a breach of this Agreement and that it would not be feasible or possible to restore the Annexation Property to its natural condition once implementation of the Agreement has begun. Therefore, the Parties agree that the remedies for breach of this Agreement shall be limited to one or more of the following:

6.4.1 In general, each of the Parties may pursue any remedy at law or equity available for any breach of any provision of this Agreement (including, but not limited to, obtaining letters of credit, performance bonds, and/or withholding certain approvals), except that Santee, Padre Dam and San Diego shall not be liable in monetary damages in any form to Pardee, any mortgagee or lender, or to any successor in interests of Pardee or mortgagee or lender, or to any other person, and Pardee covenants on behalf of all successors in interest in the Annexation Property or any portion thereof, not to sue Santee, Padre Dam, or San Diego for monetary damages. Notwithstanding this exception, pursuant to Section 10.3 of this Agreement, the prevailing Party(ies) in such an action shall be entitled to receive, in addition to all other available relief, costs of litigation and reasonable attorneys' fees, including expert witness fees, costs and fees incurred on appeal and in enforcing any judgment which may be rendered on the underlying action.

6.4.2 The Parties acknowledge that monetary damages and remedies at law will, however, generally be inadequate, and that specific performance and other non-monetary remedies are particularly appropriate remedies for the enforcement of this Agreement and should be available to the Parties because (a) money damages are unavailable against Santee, Padre Dam and San Diego as provided herein; and (b) given the size, nature and scope of the Residential Development Project, it is not possible to determine the sum of money that would adequately compensate Pardee for development of the Residential Development Project. Therefore, the Parties acknowledge and agree that specific performance is the preferred remedy for any default under this Agreement.

6.5 Mortgage Protection.

6.5.1 **Right to Mortgage.** Pardee may assign, pledge or otherwise encumber its rights and interests under this Agreement for security purposes to a Mortgagee. Nothing contained in this Agreement shall restrict Pardee from encumbering all or any portion of the Annexation Property with a mortgage, deed of trust, or other security device (collectively "Mortgage"). No breach of this Agreement shall default, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value. To the extent consistent with transferee's

rights pursuant to bankruptcy and foreclosure laws, all of the terms and conditions of this Agreement shall be binding upon and effective against any person or transferee who acquires title to all or any portion of the Annexation Property by foreclosure, trustee's sale, or deed in lieu of foreclosure.

6.5.2 Notice of Default. If Santee, Padre Dam or San Diego receives written notice from a Mortgagee requesting a copy of any notice of default given to Pardee hereunder and specifying the address for service thereof, then Santee, Padre Dam or San Diego shall deliver to such Mortgagee, concurrently with the delivery to Pardee, any notice given to Pardee with respect to any claim that Pardee is in default hereunder. If Santee, Padre Dam or San Diego subsequently makes a determination of noncompliance hereunder, concurrent with service to Pardee, Santee, Padre Dam or San Diego shall likewise serve notice of noncompliance on any Mortgagee who Pardee has identified in writing to Santee, Padre Dam, or San Diego requires such notice. Each Mortgagee shall have the right, but not the obligations, during the same period available to Pardee hereunder, to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in the notice. The failure of Santee, Padre Dam or San Diego to mail copies of said notice, or of the Mortgagee to receive such notice, shall not affect the validity of such notice or claim of default.

6.5.3 Statement of Compliance / Notice of Estoppel. Within twenty (20) calendar days after receipt of a written request from Pardee for a statement of compliance (or notice of estoppel), Santee, Padre Dam or San Diego shall execute and deliver a statement certifying: (a) that this Agreement is unmodified and in full force and effect (or identifying any modifications); (b) that there are no uncured defaults under this Agreement by the certifying Party or to the certifying Party's knowledge, by another other Party (or specifying any such defaults) if that is the case; and (c) any other information reasonably requested regarding the status of the Agreement and performance by the Parties. The failure of Santee, Padre Dam or San Diego to provide such statement within the 20-day period shall be conclusively deemed to constitute a certification by the non-responding Party that: (a) this Agreement is in full force and effect without modification, except as may be represented by Pardee, and (b) that there are no uncured defaults under this Agreement. Such statement (or certification of estoppel) may be relied upon by any purchaser, transferee, lender, title company, governmental agency, or other person; however, nothing in this Agreement shall be construed to provide any non-Party with a cause of action.

ARTICLE 7

INDEMNITY AND TOLLING OF CLAIMS

7.1 Indemnity Against General Plan Litigation. Santee and San Diego, as applicable, have determined that this Agreement is consistent with their respective General Plans and other applicable land use plans, and that those plans meet all requirements of law. Pardee has reviewed those General Plans and all other applicable land use plans and concurs with the determination of Santee and San Diego. Santee and San Diego shall have no liability under this Agreement for any failure to perform under this Agreement or the inability of Pardee to develop the Residential Development Project Property resulting from a judicial determination that the

General Plan, applicable land use plans, or portions thereof, are, on the date each is approved, invalid or inadequate or not in compliance with law.

7.2 Indemnity Against Third Party Litigation Concerning the Agreement and the Residential Development Project Entitlements. Pardee shall defend, with counsel or counsels mutually acceptable to the Parties, at its sole expense, including any attorneys' fees and costs incurred by the Parties, indemnify and hold harmless Santee, Padre Dam, and San Diego, their agents, officers and employees from any claim, action or proceeding against Santee, Padre Dam, and San Diego, their agents, officers or employees to attack, set aside, void or annul the approval of this Agreement, the Residential Development Project Entitlements or any subsequent approval or permit granted to Pardee pursuant to this Agreement, regardless of whether such claim, action or proceeding is brought within the time period provided for in Government Code section 66499.37, Public Resources Code section 21167, or other applicable statute of limitations. Santee, Padre Dam, and San Diego shall promptly notify Pardee of any such claim, action or proceeding, and Santee, Padre Dam and San Diego shall cooperate fully in the defense. If Santee, Padre Dam, or San Diego fail to cooperate fully in the defense, Pardee shall not thereafter be responsible to defend, indemnify, or hold Santee, Padre Dam, or San Diego harmless. Counsel for the Parties will work closely and will coordinate their efforts to avoid unnecessary duplication of efforts, to reduce legal fees and costs and to present a joint defense that best uses the strengths of each Party. As the owner of the Annexation Property and the ultimate beneficiary of any future development of the Residential Development Project, the Parties assume that Pardee's legal fees and costs will generally exceed the legal fees and costs incurred by San Diego, Santee, and Padre Dam, reflecting Pardee's assumption of the greater legal workload in the defense. The Parties also assume, however, that San Diego, Santee, and Padre Dam must, in consultation with Pardee, take prudent steps deemed necessary to protect their respective interests.

7.3 Environmental Assurances. Pardee shall indemnify, defend and hold Santee, Padre Dam, and San Diego, their officers, agents, employees, subcontractors and independent contractors free and harmless from any liability, based or asserted, upon any act or omission of Pardee, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Annexation Property, including, but not limited to, soil and groundwater conditions, save and except liability or claims arising through the active negligence or willful misconduct of Santee, Padre Dam or San Diego, as applicable to that Party. Pardee shall defend, at its expense, including attorneys' fees, Santee, Padre Dam and San Diego, their officers, agents, employees, subcontractors and independent contractors in any action based or asserted upon any such alleged act or omission, save and except liability or claims arising through the active negligence or willful misconduct of Santee, Padre Dam or San Diego, as applicable.

7.4 General Indemnity. Pardee shall indemnify, defend and hold Santee, Padre Dam and San Diego, their officers, agents, employees, subcontractors and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of Pardee, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (Pardee's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities

contemplated by this Agreement or the Residential Development Project Entitlements, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of private or public improvements for the Residential Development Project, save and except for liability or claims arising through (i) the active negligence or willful misconduct of Santee, Padre Dam or San Diego as applicable to that Party; (ii) claims otherwise fully covered by the separate indemnity provided by Section 7.2 of this Agreement; (iii) claims otherwise fully covered by the separate indemnity provided by Section 7.3 of this Agreement; (iv) a Santee, Padre Dam, or San Diego breach of this Agreement; or (v) a challenge initiated or joined in by Santee, Padre Dam, or San Diego regarding the approval of or issuance of permits for the Residential Development Project. Pardee shall defend with counsel mutually acceptable to the Parties, at its expense, including attorneys' fees, Santee, Padre Dam and San Diego, their officers, agents, employees, subcontractors and independent contractors in any legal or equitable action based upon such alleged acts or omissions, save and except liability or claims arising through (i) the active negligence or willful misconduct of Santee, Padre Dam or San Diego, as applicable to that Party; (ii) claims otherwise fully covered by the separate indemnity provided by Section 7.2 of this Agreement; (iii) claims otherwise fully covered by the separate indemnity provided by Section 7.3 of this Agreement; (iv) a Santee, Padre Dam or San Diego breach of this Agreement; or (v) a challenge initiated or joined in by Santee, Padre Dam, or San Diego regarding the approval of or issuance of permits for the Residential Development Project.

7.5 Tolling. The Parties agree to the tolling of all applicable limitation periods with respect to any claims or causes of action that could have been filed or asserted by Santee, Padre Dam, or San Diego in connection with San Diego's discretionary approval of the Residential Development Project Entitlements related to the No Annexation Scenario. Such claims or causes of action include, without limitation, all legal or equitable challenge that Santee or Padre Dam could have filed or asserted in connection with San Diego's approval. Whether or not the applicable statute of limitations is longer or shorter, the Parties agree that all such claims shall be filed within 30 days of the later of LAFCO's decision to deny the Reorganization or denial of a hearing to reconsider a denial of the Reorganization. The Parties agree that the term of the tolling period provided in this Section 7.5 may be extended by mutual written consent through the Annexation Agreement Operating Memorandum.

The Parties agree that this Agreement does not revive or expand any related claims which were time-barred or otherwise not available prior to the date of the San Diego's discretionary approval of entitlements related to the No Annexation Scenario. The Parties do not intend this provision to toll applicable statutes of limitations for any person or entity not signatories to this Agreement.

ARTICLE 8

USE, DENSITY/INTENSITY, HEIGHT, TERM AND TERMINATION

8.1 Permitted Uses. The permitted uses of the Annexation Property shall be all the permitted uses allowed pursuant to the Residential Development Project Entitlements and any applicable zoning, which are hereby incorporated by reference.

8.2 **Density/Intensity.** The permitted density or intensity of use shall be the density and intensity allowed pursuant to the Residential Development Project Entitlements and any applicable zoning, which are hereby incorporated by reference.

8.3 **Maximum Height.** The maximum height and size of the proposed buildings shall be the maximum height and size allowed pursuant to the Residential Development Project Entitlements and any applicable zoning, which are hereby incorporated by reference.

8.4 **Dedication of Land.** The reservation or dedication of land shall be those portions of the Residential Development Project identified in the Residential Development Project Entitlements as dedicated or reserved for public purposes, which are hereby incorporated by reference.

8.5 **General Site Plan.** The general site plan showing the arrangement of uses and circulation is the same as those identified in Exhibit A to Vesting Tentative Map No. 1004468 on file at the City of San Diego, and is hereby incorporated by reference.

8.6 **Residential Development Project Phase Timetable.** In order to maintain orderly development, the timetable for completion of various project phases is subject to Condition 12 of Vesting Tentative Map No. 1004468, subject to the Permit Condition. Various project features may be constructed when pre-conditions, identified in the Mitigation Monitoring and Reporting Program and Vesting Tentative Map No. 1004468 are satisfied, subject to the Permit Condition. Such conditions are hereby incorporated by reference.

8.7 **Annexation Agreement Term.**

8.7.1 **Term Duration.** The Term of this Agreement shall commence upon the Effective Date and shall continue in full force and effect for 10 years thereafter or until Residential Development Project Build-Out, whichever occurs first (“Expiration”), unless terminated earlier as provided below in Section 8.7.2 (“Early Termination”).

8.7.2 **Early Termination.** If LAFCO decides to deny the Reorganization and denies a hearing to reconsider a denial of the Reorganization, then this Agreement shall terminate thirty (30) days after LAFCO’s decision unless Pardee, the General Manager of Padre Dam, the Mayor of San Diego, the City Manager of Santee or their respective designees execute an Annexation Agreement Operating Memorandum extending the term of this Agreement.

8.7.3 **Effects of Early Termination; Survival.** Upon Early Termination of this Agreement, no Party shall have further rights or obligations under this Agreement, except those rights and obligations provided in Article 7 (Indemnity and Tolling of Claims) of this Agreement, all of which survive Early Termination. In addition, the Parties shall execute and record in the Official Records of the Office of County Recorder a document confirming termination of this Agreement and removing this Agreement as an exception to title to the Annexation Property.

8.7.4 **Effects of Expiration; Survival.** Upon Expiration of the Agreement, no Party shall have further rights or obligations under this Agreement, except those rights and obligations provided in Article 7 (Indemnity and Tolling of Claims), and Section 5.6 (Full Faith

and Credit). Santee and Padre Dam shall bear the general obligation of municipalities or special districts to provide services to residents within their jurisdictional boundaries and in accordance with LAFCO terms and conditions.

8.7.5 Termination of Agreement With Respect to Individual Lots Upon Sale to Public. Notwithstanding any other provision herein, the Agreement shall terminate, without the execution or recordation of any further document, but with written notice from Pardee to the Parties, with respect to any lot which meets the following conditions:

8.7.5.1 The lot has been finally subdivided; and

8.7.5.2 The lot has been individually (and not in “bulk”) transferred, sold or leased to a member of the public or other ultimate user.

ARTICLE 9

ANNUAL REVIEW

9.1 **General.** An annual review shall be conducted by the Parties, as provided in this Article, in addition to the inspections provided for in Section 3 of this Agreement. As part of that review, each Party shall have a reasonable opportunity to assert matters which such Party believes have not been undertaken or performed in conformance with this Agreement, to explain the basis for such assertion, and to receive information from the other Party as justification for such other Party’s position with respect to such matter.

9.2 **Good Faith Compliance with Annexation Agreement.** Pardee shall be deemed to have satisfied its duty of demonstrating good faith compliance if it presents reasonable information concerning substantial conformance to the number, type, density, height, and size of structures completed, and of any public improvements and dedications. Good faith compliance shall not require a detailed report of Pardee’s compliance with each and every term and condition of the Residential Development Project Entitlements.

9.3 **Cost of Annual Review.** Pursuant to Section 4.3 of this Agreement, Pardee shall bear any costs incurred by San Diego, Santee, or Padre Dam in connection with processing the annual review.

ARTICLE 10

GENERAL PROVISIONS

10.1 **Relationship of Parties.** This Agreement is one of independent contractors and does not create an agency relationship between the Parties.

10.2 **Residential Development Project as Private Undertaking.** It is specifically understood by the Parties that the Residential Development Project is a private development and that Santee, Padre Dam, and San Diego do not have an interest in or responsibilities for or duty to third parties concerning the Residential Development Project. The Parties make no guarantees regarding Residential Development Project Build-Out or the profits related thereto. Nothing

contained in this Agreement or in any document executed in connection with this Agreement shall be construed as making the Parties joint venturers or partners.

10.3 **Attorneys' Fees.** Notwithstanding any other provision in this Agreement, in the event that any Party brings any legal action to interpret or enforce any provision of this Agreement, the prevailing Party(ies) in that action shall be entitled to receive, in addition to all other available relief, costs of litigation and reasonable attorneys' fees, including expert witness fees, costs and fees incurred on appeal and in enforcing any judgment which may be rendered on the underlying action.

10.4 **No Third Party Beneficiaries.** The Parties expressly acknowledge and agree that they do not intend, by their execution of this Agreement, to benefit any person or entities not signatory to this Agreement. No person or entity not a signatory to this Agreement will have any rights or causes of action against the Parties, or any combination thereof, arising out of or due to the Parties' entry into this Agreement.

10.5 **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the provisions of California law, without regard to conflicts of laws provisions.

10.6 **Notice.** Unless otherwise permitted by this Agreement, all notices to be given shall be in writing and may be made by personal delivery, certified mail, postage prepaid and return receipt requested. Mailed notices shall be addressed to the Parties at the addresses listed below, but each party may change the address by written notice in accordance with this paragraph. Receipt will be deemed made as follows: notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated on receipt or rejection.

If to Santee:

City of Santee
10601 Magnolia Avenue
Santee, CA 92071
Attn: City Manager

With a Copy to:

Best, Best & Krieger,
655 West Broadway, 15th Floor
San Diego, CA 92101
Attn: Shawn D. Hagerty, Esq.

If to City of San Diego:

City of San Diego
1222 First Ave., MS-501
San Diego, CA 92101
Attn: Development Services Director

With a Copy to:

Office of the City Attorney
City of San Diego
1200 Third Ave., Suite 1620
San Diego, CA 92101
Attn: Shannon Thomas, Esq.

If to Padre Dam:

Padre Dam Municipal Water District
P.O. Box 719003
Santee, CA 92072
Attn: CEO/General Manager

With a Copy to:

Best, Best & Krieger,
655 West Broadway, 15th Floor
San Diego, CA 92101
Attn: Paula C. P. de Sousa, Esq.

If to Pardee Homes:

6025 Edgewood Bend Court
San Diego, California 92130
Attn: Jimmy Ayala

With a Copy to:

Sheppard Mullin Richter & Hampton, LLP
501 West Broadway, 19th Floor
San Diego, California 92101
Attn: John Ponder, Esq.

10.7 **Counterparts.** This Agreement may be executed in two (2) or more counterparts, each of which shall constitute an original.

10.8 **Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements, either written or oral, express or implied.

10.9 **Cooperation/Further Assurances/Further Acts.** Each Party: (a) shall deal fairly and in good faith with the other Party; (b) shall not impede the other Party's right to receive the benefits of this Agreement; (c) shall cooperate with and provide reasonable assistance

to the other Party in the performance of this Agreement; and (d) shall execute such additional documents and to take such further actions as are reasonably necessary to accomplish the objectives and intent of this Agreement.

10.10 Waiver. The failure of any Party to insist upon strict compliance with any provision of this Agreement or to exercise any right or privilege provided herein, or any Party's waiver of any breach hereunder, unless in writing, shall not relieve any other Party of any of obligations hereunder, whether of the same or similar type. The foregoing shall be true whether the waiving Party's actions are intentional or unintentional.

10.11 Authorization to Execute. The signatories to this Agreement warrant that they have been lawfully authorized by their respective Parties to execute this Agreement on their behalf. Upon request, Pardee shall deliver to Santee, Padre Dam, or San Diego copies of all applicable bylaws, resolutions or other documents evidencing the signatories' legal authority to execute this Agreement on behalf of the respective Parties.

10.12 Binding On Heirs, Successors and Assigns; Covenant Running with the Property. The benefits and obligations described herein will inure to the benefit of and be binding upon Pardee and any assignee or successor in interest to the Annexation Property; Santee and its respective heirs, successors, grantees, transferees and permissible assigns; Padre Dam and its respective heirs, successors, grantees, transferees and permissible assigns; and San Diego and its respective heirs, successors, grantees, transferees and permissible assigns. It is intended to be and shall be a covenant running with the Annexation Property.

10.13 Recordation. Santee shall cause this Agreement or notice of this Agreement to be recorded with the San Diego County Recorder's Office within ten (10) days of Santee's receipt of the last signature required by this Agreement.

10.14 Severability. If any provision or clause of this Agreement or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Agreement which can be given effect without the invalid provision or application. To this end, the provisions of this Agreement are declared to be severable.

10.15 Prohibition Against Assignment. Pardee may not assign this Agreement or any interest in it without the prior written consent of Santee, Padre Dam and San Diego. Santee, Padre Dam and San Diego shall only withhold consent upon finding that the proposed assignee is unwilling or unable to assume financial obligations of performance bonds, including bonds required by the Contract to Make, Install and Complete Water and/or Sewer Facilities, whether presently existing or subsequently issued, related to the construction of the Residential Development Project. Upon assignment in accordance with this Section 10.15, Pardee shall be released of all liability and obligations related to the Residential Development Project.

10.16 Operating Memorandum. The Parties acknowledge that the provisions of this Agreement require a close degree of cooperation between San Diego, Padre Dam, Santee, and Pardee, and that the refinements and further development of the Residential Development Project hereunder may demonstrate that changes are appropriate with respect to the details of

performance of the Parties hereunder. The Parties desire, therefore, to retain a certain degree of flexibility with respect to those items covered in general terms under this Agreement. If the Parties find that such changes or adjustments are necessary or appropriate from time to time during the term of this Agreement, then the Parties shall effectuate such changes or adjustments through an "Annexation Agreement Operating Memorandum" which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further changed and amended from time to time as necessary with further approval by the Parties. No such Annexation Agreement Operating Memorandum shall require prior notice of hearing, or constitute an amendment to this Agreement; and approval of this Agreement authorizes the Mayor of San Diego, Padre Dam General Manager, Santee City Manager or their respective designees to enter into an Annexation Agreement Operating Memorandum. Failure of the Parties to enter into any Annexation Agreement Operating Memoranda shall not affect or abrogate any of the rights, duties or obligations of the Parties hereunder or the provisions of this Agreement.

10.17 Reservation of Discretion. Nothing in this Agreement shall be interpreted as requiring the exercise of Santee's, Padre Dam's, or San Diego's police powers or discretion in any particular manner.

10.18 Force Majeure. A Party shall not be deemed to be in default under this Agreement if the Party is prevented from performing an action or obligation due to causes beyond its reasonable control, such as labor unrest, walkouts, riots, casualties, litigation, weather, war or acts of God.

10.19 Construction/Interpretation. This Agreement has been reviewed and revised by legal counsel for each Party, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

10.20 Recitals and Exhibits. All recitals and exhibits are incorporated into this Agreement by this reference. The following Exhibits are attached to this Agreement and incorporated herein:

- Exhibit A: Residential Development Project Property
- Exhibit B: Annexation Property
- Exhibit C: Open Space Property
- Exhibit D: Resolution of Application for the Reorganization
- Exhibit E: Application for Reorganization
- Exhibit F: Plan for Providing Services
- Exhibit G: Fiscal Impact Analysis
- Exhibit H: Distribution of Revenue and Other Items

[Signatures on following page]

CITY OF SAN DIEGO, a
California municipal corporation

CITY OF SANTEE, a
California municipal
corporation

PADRE DAM MUNICIPAL
WATER DISTRICT, a
California municipal water
district

By: _____
Mayor

By: _____
Mayor

By: _____
CEO/General Manager

Attest:

Attest:

Attest:

By: _____
Clerk of San Diego
City of San Diego

By: _____
Clerk of the
City of Santee

By: _____
Board Secretary of
Padre Dam
Municipal Water
District

APPROVED AS TO LEGAL
FORM:

APPROVED AS TO LEGAL
FORM:

APPROVED AS TO LEGAL
FORM:

San Diego City Attorney

Santee City Attorney

Padre Dam General Counsel

PARDEE HOMES, a California corporation

By: _____
Jimmy Ayala

APPROVED AS TO LEGAL FORM:

CITY OF SAN DIEGO, a
California municipal corporation

CITY OF SANTEE, a
California municipal
corporation

PADRE DAM MUNICIPAL
WATER DISTRICT, a
California municipal water
district

By: _____
Mayor

By: _____
Mayor

By: _____
CEO/General Manager

Attest:

Attest:

Attest:

By: _____
Clerk of San Diego
City of San Diego

By: _____
Clerk of the
City of Santee

By: _____
Board Secretary of
Padre Dam
Municipal Water
District

APPROVED AS TO LEGAL
FORM:

APPROVED AS TO LEGAL
FORM:

APPROVED AS TO LEGAL
FORM:

San Diego City Attorney


Santee City Attorney

Padre Dam General Counsel

PARDEE HOMES, a California corporation

By:  8-28-13
Jimmy Ayala

APPROVED AS TO LEGAL FORM:


John Ponder

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On August 28, 2013 before me, Stephanie M. Garcia
Date Here Insert Name and Title of the Officer

personally appeared Jimmy Ayala
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Annexation Agreement

Document Date: 8/26/2013 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Jimmy Ayala Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Individual

Partner — Limited General Partner — Limited General

Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: Director, Concurring Other: _____

Development

Signer Is Representing: _____ Signer Is Representing: _____

Pacdec Homes.

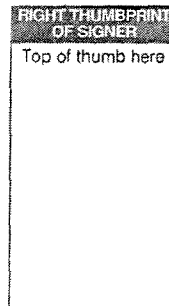


EXHIBIT "A"

Residential Development Project Property

[Attached behind this page]

EXHIBIT "A"

LEGAL DESCRIPTION

CASTLEROCK TENTATIVE MAP BOUNDARY

A PORTION OF LOTS 4, 5, 8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAST BOULEVARD, DEDICATED TO THE CITY OF SAN DIEGO ON AUGUST, 21 1963 AS FILE NO. 149198 OF OFFICIAL RECORD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY; THENCE

1. SOUTH 08°09'41" WEST 51.52 FEET; THENCE
2. SOUTH 90°00'00" WEST 163.48 FEET TO THE BEGINNING OF A 3000.00
FOOT RADIUS CURVE CONCAVE
SOUTHERLY; THENCE ALONG THE
ARC OF SAID CURVE
3. SOUTHWESTERLY 571.17 FEET THROUGH A CENTRAL ANGLE OF
10°54'31"; THENCE
4. SOUTH 79°05'29" WEST 1,505.09 FEET TO THE BEGINNING OF A 2000.00
FOOT RADIUS CURVE CONCAVE
SOUTHEASTERLY; THENCE ALONG
THE ARC OF SAID CURVE
5. SOUTHWESTERLY 872.73 FEET THROUGH A CENTRAL ANGLE OF
25°00'07" TO A POINT ON THE
EASTERLY LINE OF LAND
CONVEYED TO SYCAMORE
LANDFILL, INC. PER DEED
RECORDED MAY 3, 2011 AS FILE NO.
2011-0229116 IN THE OFFICE OF THE
SAN DIEGO COUNTY RECORDERS,
IN THE CITY OF SAN DIEGO,
COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA, SAID POINT ALSO
BEING THE CENTERLINE OF A 60
FOOT ROAD EASEMENT FROM THE
UNITED STATES OF AMERICA TO
THE CITY OF SAN DIEGO ON JUNE 7,
1965 AS FILE NO. 101350 AS SHOWN
ON CITY DRAWING NO. 11844-D
(ROAD EASEMENT NO. 7), FILED IN
THE OFFICE OF THE SAN DIEGO
COUNTY RECORDERS AS

		MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE ALONG THE EASTERLY LINE OF SAID DEED AND SAID CENTERLINE
6. NORTH 15°04'09" WEST	600.67 FEET	TO THE NORTHEAST CORNER OF SAID DEED; THENCE
7. NORTH 68°32'29" EAST	1,897.85 FEET	TO THE SOUTHWEST CORNER OF LAND CONVEYED TO MITSUO ISHIHARA AND SALLY ISHIHARA, TRUSTEES OF THE ISHIHARA TRUST AGREEMENT DATED MARCH 5, 1986 PER DEED RECORDED FEBRUARY 7, 2000 AS FILE NO. 2000-0061906 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE ALONG THE SOUTHERLY LINE OF SAID DEED
8. SOUTH 79°53'47" EAST	550.00 FEET	TO THE SOUTHEAST CORNER OF SAID DEED; THENCE
9. NORTH 11°14'29" EAST	1,199.53 FEET	TO THE NORTHEAST CORNER OF SAID DEED, SAID POINT LYING ON A NON-TANGENT 740.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 37°09'26" EAST, SAID POINT ALSO BEING THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 3), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE
10. NORTHWESTERLY	227.10 FEET	THROUGH A CENTRAL ANGLE OF 17°35'00" TO THE SOUTHEAST CORNER OF LAND CONVEYED TO NOBER FAMILY TRUST PER DEED RECORDED JULY 11, 2006 AS FILE NO. 2006-0488300 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE LEAVING SAID CENTERLINE AND ALONG THE

		EASTERLY LINE OF SAID DEED
11. NORTH 07°19'50" WEST	630.03 FEET;	THENCE
12. NORTH 45°36'42" WEST	1,086.14 FEET;	THENCE
13. NORTH 03°39'26" EAST	1647.10 FEET;	THENCE
14. NORTH 13°32'35" EAST	30.04 FEET	TO THE NORTHEAST CORNER OF LAND CONVEYED TO THE PLUMB FAMILY TRUST DATED NOVEMBER 19, 2007 RECORDED NOVEMBER 4, 2008 AS FILE NO. 2008-0575971 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO LYING ON THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 5), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE ALONG SAID CENTERLINE
15. SOUTH 76°27'25" EAST	441.43 FEET	TO THE BEGINNING OF A 1,000.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE CONTINUING ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE
16. EASTERLY AND NORTHEASTERLY	666.03 FEET	THROUGH A CENTRAL ANGLE OF 38°09'38" TO THE SOUTHEAST CORNER OF LAND CONVEYED TO SANTEE SCHOOL DISTRICT PER DEED RECORDED FEBRUARY 17, 1966 AS FILE NO. 66-0028071 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE ALONG THE EASTERLY LINE OF SAID DEED; THENCE
17. NORTH 36°41'34" WEST	998.89 FEET	TO THE MOST NORTHERLY CORNER OF SAID DEED; THENCE
18. NORTH 16°02'11" EAST	376.92 FEET	TO THE NORTHWEST CORNER OF LAND CONVEYED TO ARTEMIZA PRINGLE PER DEED RECORDED MAY 2, 2006 AS FILE NO. 2006- 0306866 IN THE OFFICE OF THE SAN

DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE ALONG THE WESTERLY LINE OF SAID DEED

- 19. SOUTH 36°41'33" EAST 692.18 FEET TO THE SOUTHWEST CORNER OF SAID DEED; THENCE ALONG THE SOUTH AND EASTERLY LINES OF SAID DEED, THE FOLLOWING TWO COURSES
- 20. NORTH 53°18'03" EAST 381.94 FEET; THENCE
- 21. NORTH 26°03'11" EAST 735.51 FEET; THENCE LEAVING SAID LINE
- 22. SOUTH 63°56'49" EAST 620.00 FEET TO A POINT ON THE EASTERLY LINE OF CAMP ELLIOT AS DESCRIBED IN DECREE OF DECLARATION OF TAKING RECORDED APRIL 6, 1942 AS DOCUMENT NO. 22105 IN BOOK 1342, PAGE 14 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, SAID POINT ALSO LYING ON THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY; THENCE ALONG SAID EASTERLY LINE AND SAID CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY, THE FOLLOWING THREE COURSES
- 23. SOUTH 26°03'11" WEST 895.25 FEET; THENCE
- 24. SOUTH 00°51'48" EAST 3,256.54 FEET; THENCE
- 25. SOUTH 08°09'41" WEST 1,929.07 FEET TO THE POINT OF BEGINNING

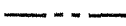



SAID LAND CONTAINS 211.55 ACRES MORE OR LESS.

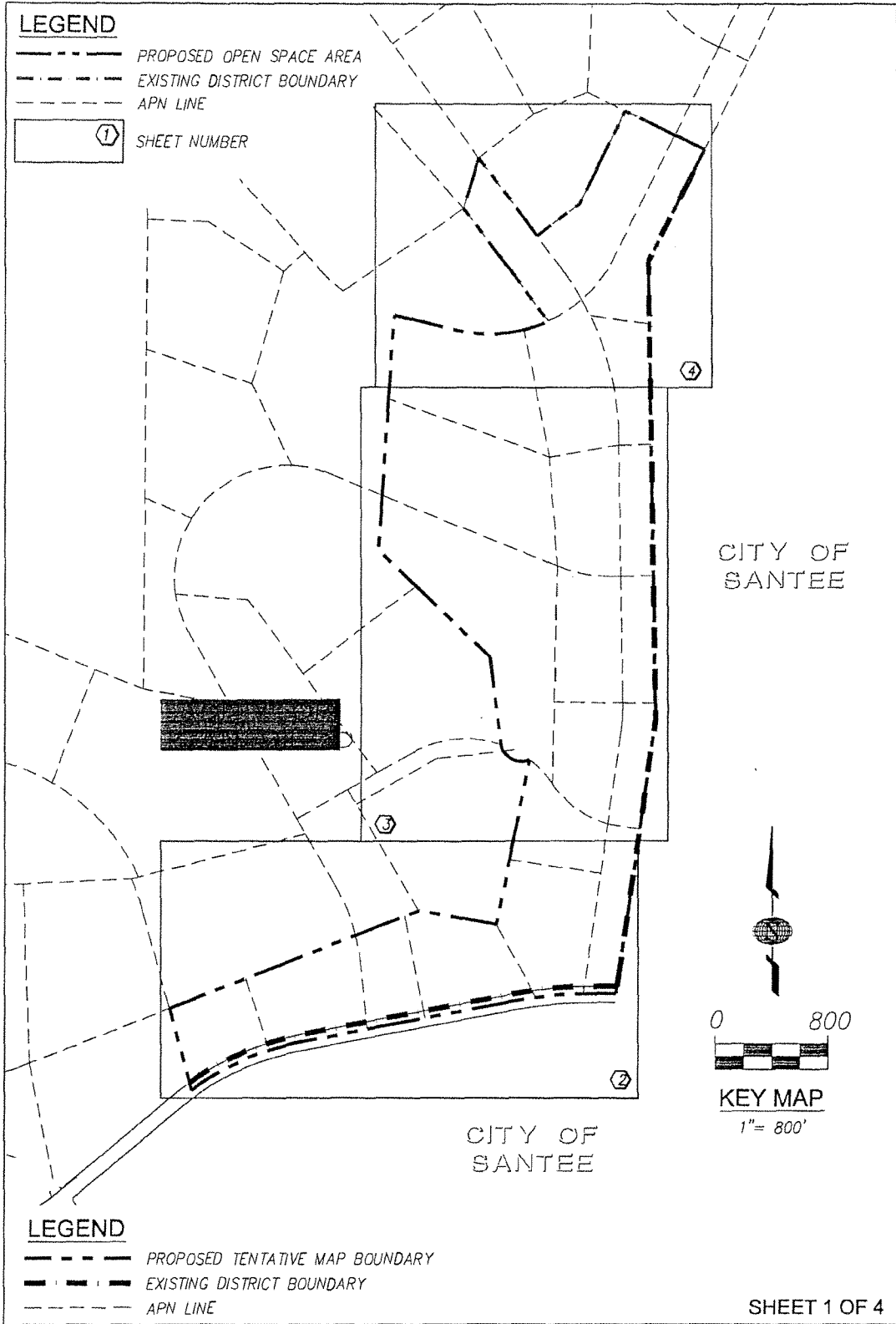
BY: *John Eardensohn*
 JOHN EARDENSOHN, L.S. 5278
 (MY LICENSE EXPIRES 12-31-13)

DATED: 8/27/13



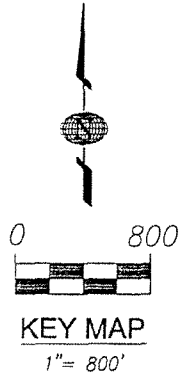
LEGEND

-  PROPOSED OPEN SPACE AREA
-  EXISTING DISTRICT BOUNDARY
-  APN LINE
-  SHEET NUMBER






CITY OF
SANTEE

CITY OF
SANTEE



LEGEND

-  PROPOSED TENTATIVE MAP BOUNDARY
-  EXISTING DISTRICT BOUNDARY
-  APN LINE

SHEET 1 OF 4

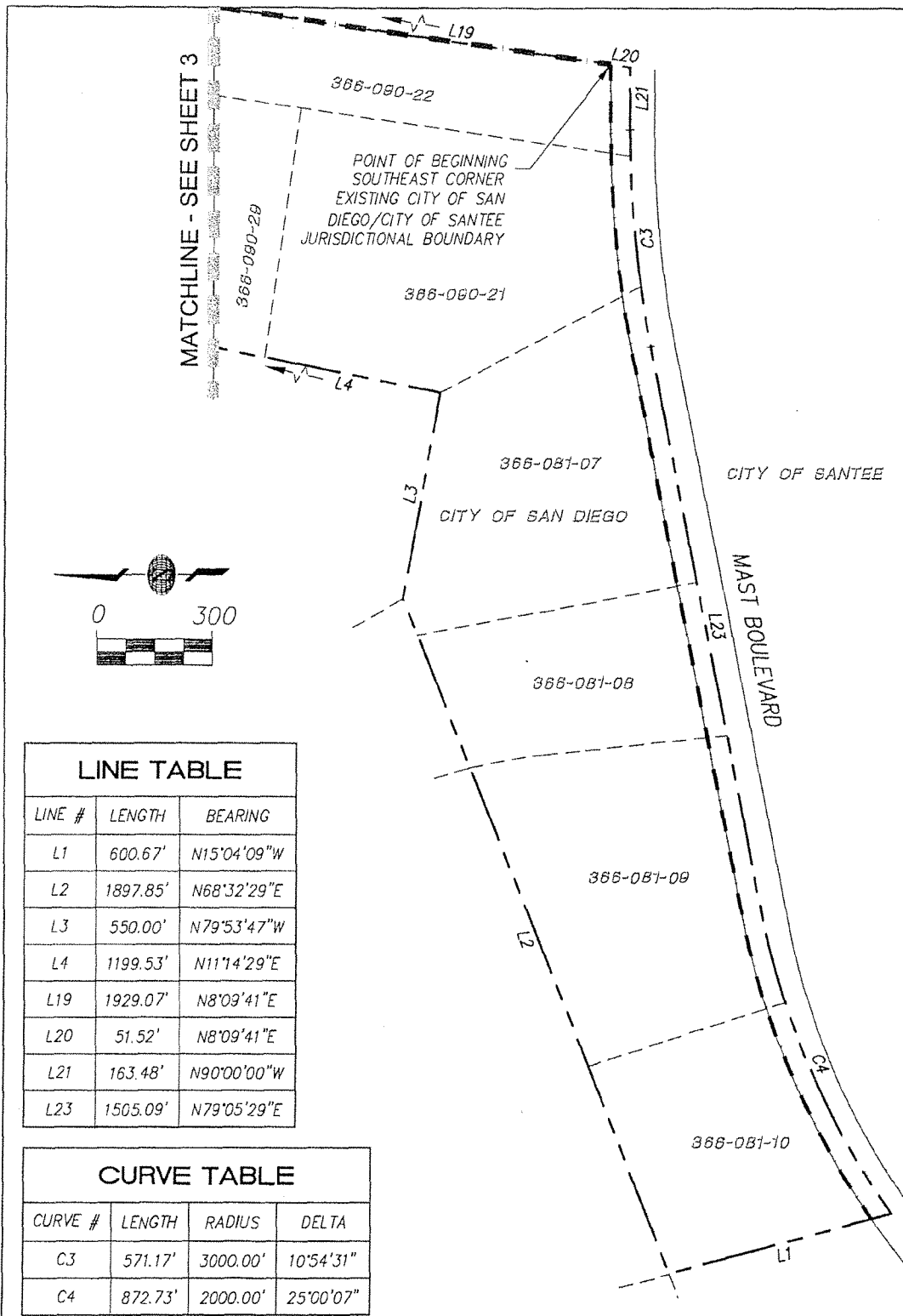
CASTLEROCK TENTATIVE MAP BOUNDARY

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN SIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FIELD IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



LINE TABLE

LINE #	LENGTH	BEARING
L1	600.67'	N15°04'09"W
L2	1897.85'	N68°32'29"E
L3	550.00'	N79°53'47"W
L4	1199.53'	N11°14'29"E
L19	1929.07'	N8°09'41"E
L20	51.52'	N8°09'41"E
L21	163.48'	N90°00'00"W
L23	1505.09'	N79°05'29"E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C3	571.17'	3000.00'	10°54'31"
C4	872.73'	2000.00'	25°00'07"

SHEET 2 OF 4

CASTLEROCK TENTATIVE MAP BOUNDARY

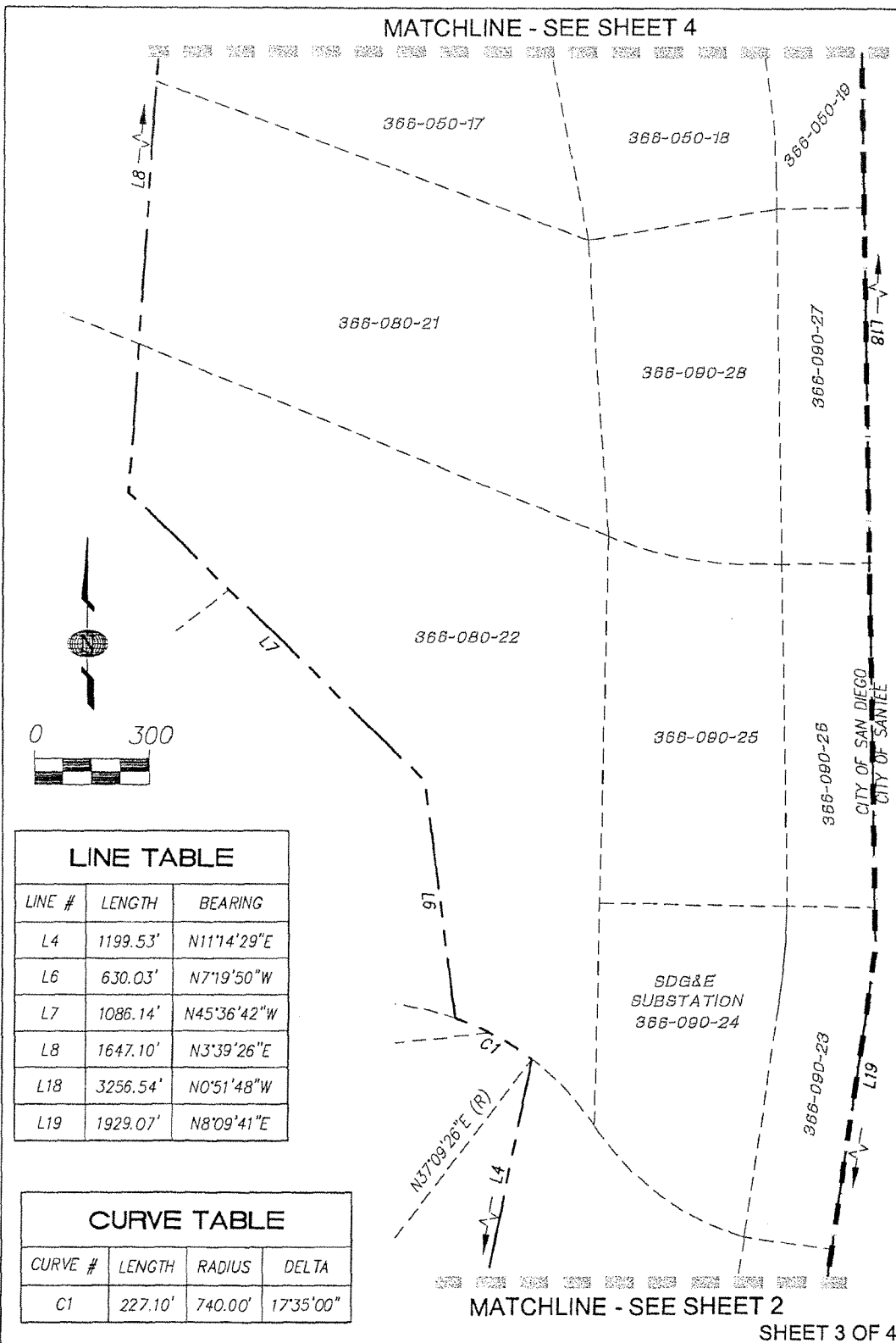
BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



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 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634

MATCHLINE - SEE SHEET 4



LINE TABLE		
LINE #	LENGTH	BEARING
L4	1199.53'	N11°14'29"E
L6	630.03'	N7°19'50"W
L7	1086.14'	N45°36'42"W
L8	1647.10'	N3°39'26"E
L18	3256.54'	N0°51'48"W
L19	1929.07'	N8°09'41"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	227.10'	740.00'	17°35'00"

MATCHLINE - SEE SHEET 2

SHEET 3 OF 4

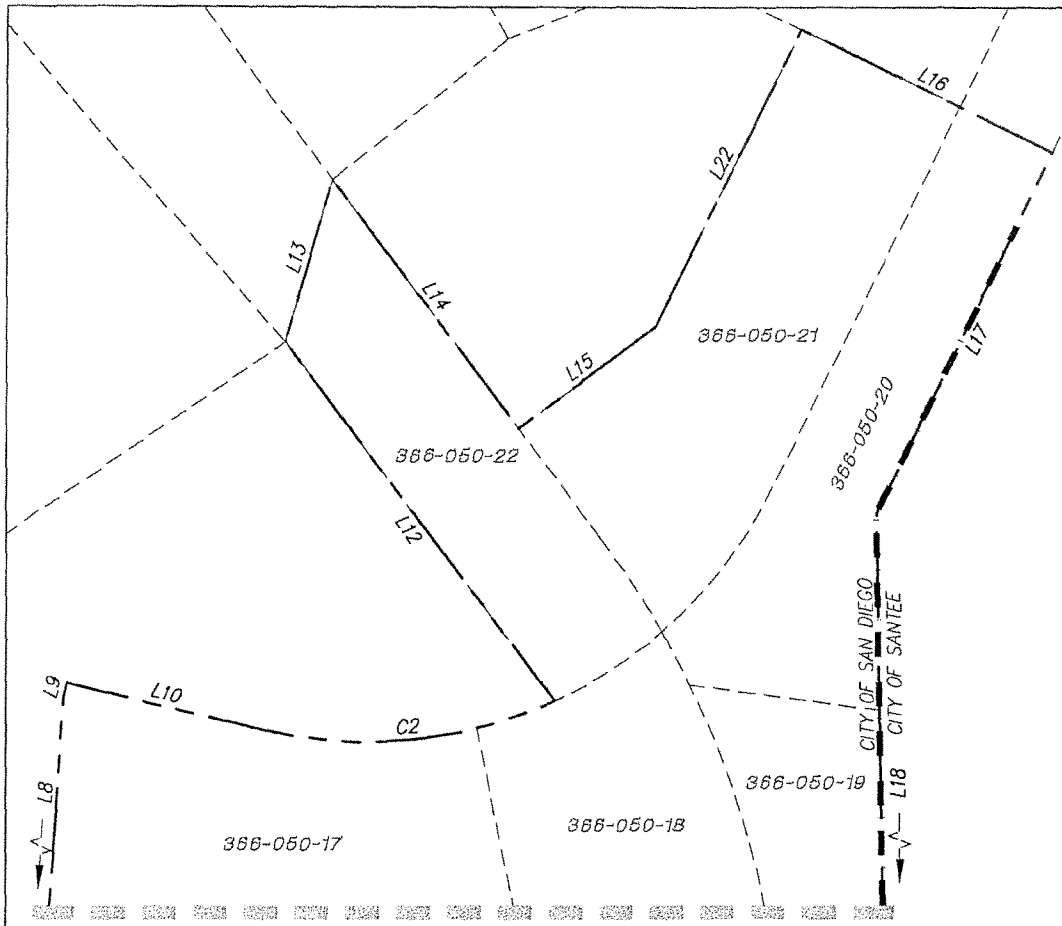
CASTLEROCK TENTATIVE MAP BOUNDARY

BEING A PORTION OF LOTS 4, 5, 8 AND 9 OF THE RESUBDIVISION OF A PART OF FANIÑA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



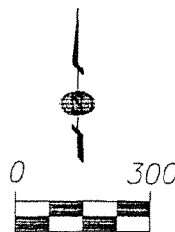
MATCHLINE - SEE SHEET 3

LINE TABLE

LINE #	LENGTH	BEARING
L8	1647.10'	N3°39'26"E
L9	30.04'	N13°32'35"E
L10	441.43'	N76°27'25"W
L12	998.89'	N36°41'34"W
L13	376.92'	N16°02'11"E
L14	692.18'	N36°41'33"W
L15	381.94'	N53°18'03"E
L16	620.00'	N63°56'49"W
L17	895.25'	N26°03'11"E
L18	3256.54'	N0°51'48"W
L22	735.51'	N26°03'11"E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C2	666.03'	1000.00'	38°09'38"



SHEET 4 OF 4

CASTLEROCK TENTATIVE MAP BOUNDARY

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

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 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634

EXHIBIT "B"

Annexation Property

[Attached behind this page]

ANNEXATION NO. _____

ANNEXATION TO CITY OF SANTEE GEOGRAPHIC DESCRIPTION

A PORTION OF LOTS 4, 5, 8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAST BOULEVARD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY;

THENCE, (1) NORTH 90°00'00" WEST 170.80 FEET ALONG THE EXISTING BOUNDARY

(2) TO THE BEGINNING OF A 3051.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE SOUTHWESTERLY 580.88 FEET THROUGH A CENTRAL ANGLE OF 10°54'31";

THENCE, (3) SOUTH 79°05'29" WEST 1505.09 FEET

(4) TO THE BEGINNING OF A 2051.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE SOUTHWESTERLY 875.60 FEET THROUGH A CENTRAL ANGLE OF 24°27'37" TO A POINT ON THE EASTERLY LINE OF LAND CONVEYED TO SYCAMORE LANDFILL, INC. PER DEED RECORDED MAY 3, 2011 AS FILE NO. 2011-0229116 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO BEING THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 7), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965;

THENCE, LEAVING SAID EXISTING BOUNDARY AND ALONG THE EASTERLY LINE OF SAID DEED AND SAID CENTERLINE (93) NORTH 15°04'09" WEST 40.47 FEET

(94) TO THE BEGINNING OF A NON-TANGENT 2089.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 34°59'03" WEST; THENCE LEAVING SAID CENTERLINE AND ALONG THE ARC OF SAID CURVE NORTHEASTERLY 699.52 FEET THROUGH A CENTRAL ANGLE OF 19°11'10";

THENCE, (5) NORTH 13°13'06" WEST 151.63 FEET;

THENCE, (6) NORTH 03°03'57" EAST 52.68 FEET;

THENCE, (7) NORTH 28°23'48" EAST 59.16 FEET;

THENCE, (8) NORTH 48°31'47" EAST 105.57 FEET;

THENCE, (9) NORTH 81°59'55" EAST 41.49 FEET;

THENCE, (10) NORTH 89°46'54" EAST 67.60 FEET;

THENCE, (11) NORTH 85°18'06" EAST 104.54 FEET;

THENCE, (12) NORTH 55°13'11" EAST 186.45 FEET;

THENCE, (13) NORTH 45°43'55" EAST 40.00 FEET;

THENCE, (14) NORTH 53°23'06" EAST 160.31 FEET;

THENCE, (15) NORTH 85°43'34" EAST 180.83 FEET;

THENCE, (16) SOUTH 59°41'44" EAST 211.90 FEET;

(17) TO THE BEGINNING OF A 202.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 206.62 FEET THROUGH A CENTRAL ANGLE OF 58°36'25";

THENCE, (18) NORTH 61°41'51" EAST 98.39 FEET;

THENCE, (19) NORTH 49°00'41" EAST 239.03 FEET;

THENCE, (20) NORTH 58°24'51" EAST 125.40 FEET;

THENCE, (21) NORTH 54°38'51" EAST 60.75 FEET;

THENCE, (22) NORTH 61°17'03" WEST 18.34 FEET;

THENCE, (23) NORTH 11°43'57" WEST 18.32 FEET;

THENCE, (24) NORTH 68°14'52" WEST 3.79 FEET;

THENCE, (95) NORTH 17°09'42" EAST 378.96 FEET;

THENCE, (96) NORTH 20°03'35" EAST 121.95 FEET;

THENCE, (97) NORTH 47°09'56" EAST 112.14 FEET;

THENCE, (98) NORTH 83°15'29" EAST 264.28 FEET;

THENCE, (99) NORTH 63°15'42" EAST 163.59 FEET;

THENCE, (100) NORTH 33°18'52" EAST 36.77 FEET;

THENCE, (101) NORTH 23°10'03" WEST 78.68 FEET

(102) TO A POINT ON THE SOUTHERLY LINE OF LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC PER DEED RECORDED OCTOBER 21, 1975 AS FILE NO. 75-289826 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT BEING ON THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 3), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965, SAID POINT ALSO LYING ON A NON-TANGENT 740.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 29°31'05" WEST; THENCE ALONG THE SOUTHERLY LINE OF SAID DEED, SAID CENTERLINE AND THE ARC OF SAID CURVE SOUTHEASTERLY 90.74 FEET THROUGH A CENTRAL ANGLE OF 07°01'33"

(25) TO THE BEGINNING OF A NON-TANGENT 467.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 60°08'53" EAST; THENCE LEAVING THE SOUTHERLY LINE OF SAID DEED AND SAID CENTERLINE AND ALONG THE ARC OF SAID CURVE NORTHEASTERLY 186.39 FEET THROUGH A CENTRAL ANGLE OF 22°52'06";

THENCE, (26) NORTH 06°59'01" EAST 275.39 FEET

(27) TO THE BEGINNING OF A 3033.00 RADIUS CURVE CONCAVE EASTERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 90.89 FEET THROUGH A CENTRAL ANGLE OF 01°43'01";

THENCE, (28) NORTH 08°42'02" EAST 252.47 FEET

(29) TO THE BEGINNING OF A 467.00 FOOT CURVE CONCAVE WESTERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 55.68 FEET THROUGH A CENTRAL ANGLE OF 06°49'54" TO A POINT ON THE NORTHERLY LINE OF LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC PER SAID DEED;

THENCE, ALONG SAID NORTHERLY LINE TO THE NORTHWEST CORNER OF SAID DEED (30) NORTH 89°10'07" WEST 463.36 FEET;

THENCE, LEAVING SAID NORTHERLY LINE (31) NORTH 01°17'37" EAST 65.30 FEET;

THENCE, (32) NORTH 23°51'21" WEST 188.21 FEET;

THENCE, (33) NORTH 43°18'21" WEST 195.53 FEET;

THENCE, (34) NORTH 29°57'39" WEST 63.24 FEET;

THENCE, (35) NORTH 22°57'05" WEST 114.67 FEET;

THENCE, (36) NORTH 13°11'15" WEST 109.19 FEET;

THENCE, (37) NORTH 03°24'14" WEST 280.53 FEET;

THENCE, (38) NORTH 34°26'05" EAST 126.55 FEET;

THENCE, (39) NORTH 24°04'13" EAST 63.64 FEET;

THENCE, (40) NORTH 58°12'31" EAST 151.19 FEET;

THENCE, (41) NORTH 44°29'44" EAST 134.29 FEET;

THENCE, (42) NORTH 21°07'15" EAST 114.99 FEET;

THENCE, (43) NORTH 05°48'26" WEST 96.06 FEET;

THENCE, (44) NORTH 08°57'20" EAST 47.91 FEET;

THENCE, (45) NORTH 03°09'52" WEST 179.60 FEET;

THENCE, (46) NORTH 14°04'50" WEST 146.08 FEET;

THENCE, (47) NORTH 06°24'33" EAST 85.67 FEET;

THENCE, (48) NORTH 23°34'51" EAST 66.71 FEET;

THENCE, (49) NORTH 39°08'12" EAST 118.72 FEET;

THENCE, (50) NORTH 63°28'43" EAST 92.57 FEET;

THENCE, (51) NORTH 77°47'40" EAST 90.97 FEET;

THENCE, (52) NORTH 82°29'34" EAST 66.98 FEET;

THENCE, (53) NORTH 42°58'35" EAST 36.61 FEET;

THENCE, (54) NORTH 04°43'55" WEST 124.15 FEET;

(55) TO THE BEGINNING OF A 60.00 FOOT CURVE CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHWESTERLY 128.81 FEET THROUGH A CENTRAL ANGLE OF 123°00'30";

THENCE, (56) SOUTH 52°15'34" WEST 34.21 FEET

(57) TO THE BEGINNING OF A 65.00 FOOT CURVE CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE SOUTHWESTERLY 11.00 FEET THROUGH A CENTRAL ANGLE OF 09°41'42";

THENCE, (58) SOUTH 61°57'16" WEST 55.00 FEET;

THENCE, (59) NORTH 84°07'26" WEST 68.95 FEET;

THENCE, (60) SOUTH 83°22'21" WEST 51.62 FEET;

THENCE, (61) SOUTH 62°34'55" WEST 104.04 FEET;

THENCE, (62) SOUTH 49°44'40" WEST 111.62 FEET;

THENCE, (63) SOUTH 16°17'46" EAST 48.22 FEET;

THENCE, (64) SOUTH 71°55'14" WEST 120.01 FEET;

THENCE, (65) SOUTH 77°54'33" WEST 129.00 FEET;

THENCE, (66) NORTH 73°13'10" WEST 73.48 FEET;

THENCE, (67) NORTH 41°30'37" WEST 88.09 FEET;

THENCE, (68) NORTH 30°44'03" WEST 33.62 FEET;

THENCE, (69) NORTH 56°02'07" WEST 55.21 FEET;

THENCE, (70) NORTH 67°14'09" WEST 62.55 FEET;

THENCE, (71) NORTH 34°50'33" WEST 135.19 FEET;

THENCE, (72) NORTH 04°57'44" EAST 72.37 FEET;

THENCE, (73) NORTH 33°27'23" EAST 23.52 FEET;

THENCE, (74) NORTH 00°30'39" EAST 75.58 FEET;

THENCE, (75) NORTH 82°46'14" WEST 34.13 FEET;

THENCE, (76) NORTH 56°32'12" WEST 59.40 FEET;

THENCE, (77) NORTH 31°44'48" WEST 61.59 FEET;

THENCE, (78) NORTH 14°18'32" EAST 77.32 FEET TO A POINT ON THE SOUTHERLY LINE OF LAND CONVEYED TO SANTEE SCHOOL DISTRICT PER DEED RECORDED FEBRUARY 17, 1966 AS FILE NO. 66-0028071 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO BEING THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON

JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 5), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965;

THENCE, ALONG THE SOUTHERLY LINE OF SAID DEED AND SAID CENTERLINE (79) SOUTH $76^{\circ}27'25''$ EAST 43.58 FEET;

(80) TO THE BEGINNING OF A NON-TANGENT 62.00 FOOT CURVE CONCAVE SOUTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH $45^{\circ}51'22''$ WEST; THENCE LEAVING THE SOUTHERLY LINE OF SAID DEED AND SAID CENTERLINE AND ALONG THE ARC OF SAID CURVE NORTHEASTERLY 62.47 FEET THROUGH A CENTRAL ANGLE OF $57^{\circ}43'43''$;

(81) TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 970.00 FOOT; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 611.35 FEET THROUGH A CENTRAL ANGLE OF $36^{\circ}06'41''$ TO A POINT ON THE EASTERLY LINE OF LAND CONVEYED TO SANTEE SCHOOL DISTRICT PER SAID DEED;

THENCE, ALONG SAID EASTERLY LINE (103) NORTH $36^{\circ}41'34''$ WEST 7.77 FEET;

THENCE, LEAVING SAID EASTERLY LINE (104) NORTH $30^{\circ}30'14''$ EAST 28.64 FEET;

THENCE, (105) NORTH $43^{\circ}52'42''$ EAST 110.46 FEET;

THENCE, (106) NORTH $51^{\circ}21'23''$ EAST 51.24 FEET;

THENCE, (107) NORTH $64^{\circ}18'17''$ EAST 26.53 FEET;

THENCE, (108) NORTH $65^{\circ}58'17''$ EAST 58.49 FEET;

THENCE, (109) NORTH $76^{\circ}15'53''$ EAST 23.85 FEET TO A POINT ON THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 1), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965,

(82) SAID POINT ALSO LYING ON A NON-TANGENT 2046.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH $58^{\circ}28'37''$ EAST; THENCE ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE NORTHWESTERLY 184.83 FEET THROUGH A CENTRAL ANGLE OF $05^{\circ}10'34''$;

THENCE, (83) NORTH $36^{\circ}41'57''$ WEST 308.16 FEET TO THE MOST SOUTHERLY CORNER OF LAND CONVEYED TO ARTEMIZA PRINGLE PER DEED RECORDED MAY 2, 2006 AS DOC. NO. 2006-0306866 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THENCE, ALONG THE SOUTHERLY LINE OF SAID DEED AND LEAVING SAID CENTERLINE (84) NORTH $53^{\circ}18'03''$ EAST 166.26 FEET;

(85) TO THE BEGINNING OF A 120.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE EASTERLY 150.80 FEET THROUGH A CENTRAL ANGLE OF $72^{\circ}00'10''$;

(86) TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 280.00 FOOT; THENCE ALONG THE ARC OF SAID SOUTHEASTERLY 160.53 FEET THROUGH A CENTRAL ANGLE OF $32^{\circ}50'53''$;

THENCE, (87) SOUTH $87^{\circ}32'40''$ EAST 135.88 FEET;

(88) TO THE BEGINNING OF A NON-TANGENT 72.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH $73^{\circ}57'50''$ WEST; THENCE ALONG

THE ARC OF SAID CURVE NORTHEASTERLY 139.99 FEET THROUGH A CENTRAL ANGLE OF 111°24'10";

THENCE, (89) NORTH 26°03'11" EAST 50.90 FEET;

THENCE, (110) SOUTH 63°56'49" EAST 156.96 FEET;

THENCE, (111) SOUTH 87°24'50" EAST 28.87 FEET;

THENCE, (112) NORTH 25°58'01" EAST 428.80 FEET;

THENCE, (113) SOUTH 63°58'18" EAST 100.36 FEET TO A POINT ON THE EASTERLY LINE OF CAMP ELLIOT AS DESCRIBED IN DECREE OF DECLARATION OF TAKING RECORDED APRIL 6, 1942 AS DOCUMENT NO. 22105 IN BOOK 1342, PAGE 14 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, SAID POINT ALSO LYING ON THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY;

THENCE, (90) SOUTH 26°03'11" WEST 712.53 FEET ALONG SAID EASTERLY LINE AND SAID CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY;

THENCE, (91) SOUTH 00°51'48" EAST 3256.53 FEET;

THENCE, (92) SOUTH 08°09'41" WEST 1929.07 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 109.70 ACRES OF LAND MORE OR LESS.

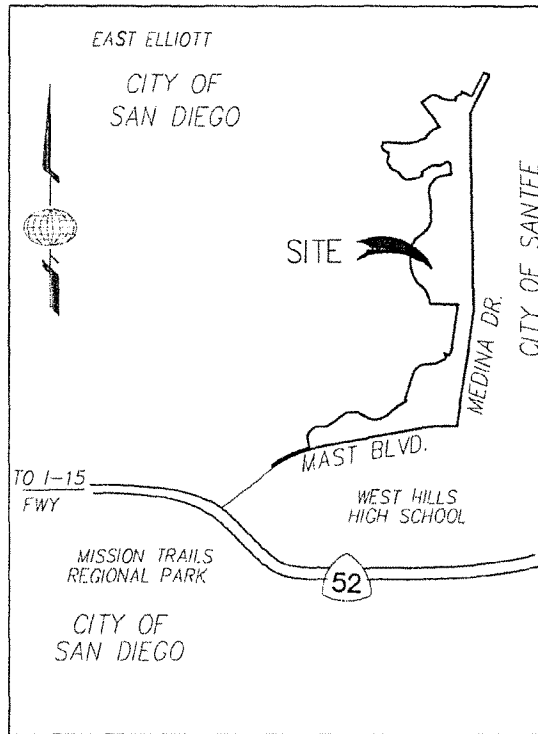


SIGNED _____

John Eardensohn
C. JOHN EARDENSOHN
L.S. 5278 EXPIRES 12/31/13

DATED _____

8/27/13



VICINITY MAP
NO SCALE

ASSESSOR'S PARCEL NUMBERS:

366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

SHEET 1 OF 7

LAFCO RESOLUTION NO:	ACREAGE:	DATE:	SCALE:
	109.70	6/4/2013	NOT TO SCALE

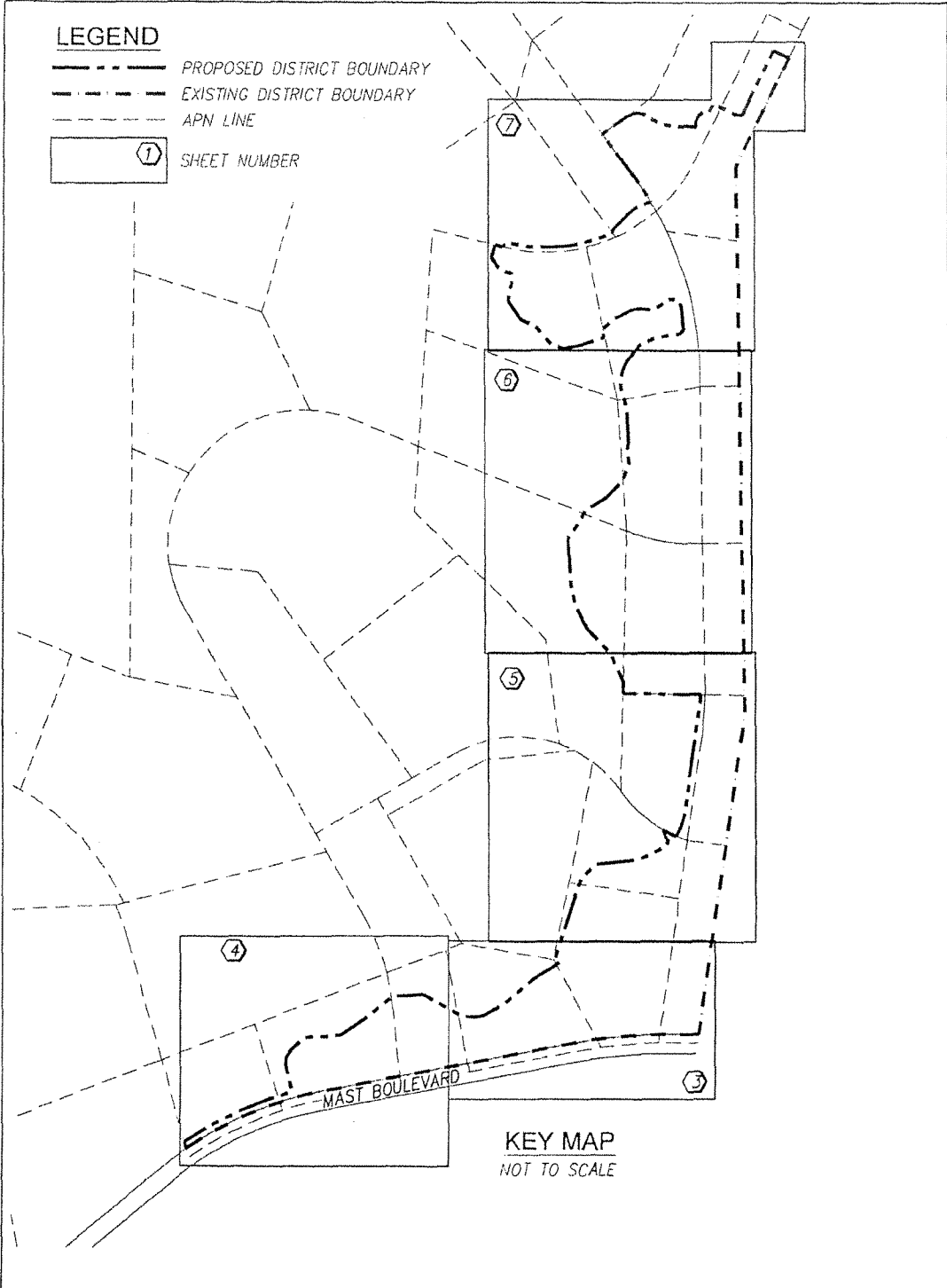
CASTLEROCK ANNEXATION NO. _____ - _____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN SIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FIELD IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



ASSESSOR'S PARCEL NUMBERS:
 366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

LAFCO RESOLUTION NO:

ACREAGE:
109.70

DATE:
6/4/2013

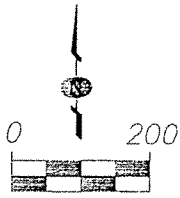
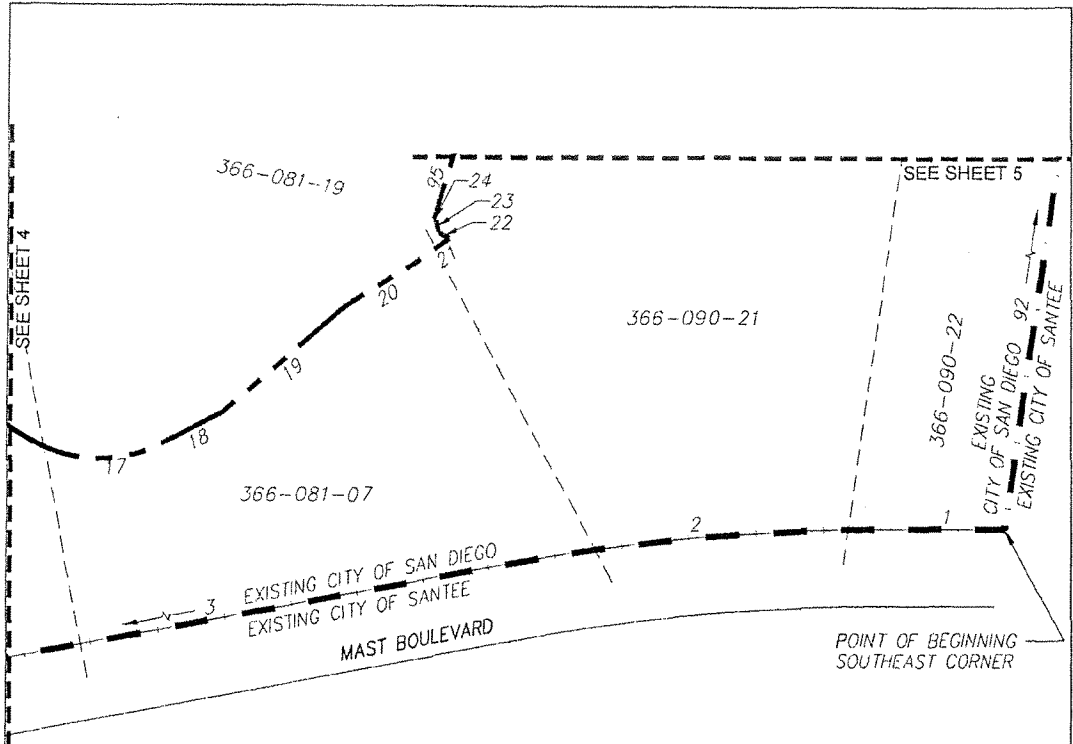
SHEET 2 OF 7
 SCALE:
NOT TO SCALE

CASTLEROCK ANNEXATION NO. _____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

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LEGEND

- PROPOSED DISTRICT BOUNDARY
- EXISTING DISTRICT BOUNDARY
- APN LINE

COURSES		
NO.	LENGTH	BEARING/RADIUS
1	170.80'	N90°00'00"W
2	580.88'	3051.00'
3	1505.09'	S79°05'29"W
17	206.62'	202.00'
18	98.39'	N61°41'51"E
19	239.03'	N49°00'41"E
20	125.40'	N58°24'51"E
21	60.75'	N54°38'51"E
22	18.34'	N61°17'03"W
23	18.32'	N11°43'57"W
24	3.79'	N68°14'52"W
92	1929.07'	S08°09'41"W
95	378.96'	N17°09'42"E

ASSESSOR'S PARCEL NUMBERS:
 366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

LAFCO RESOLUTION NO:	ACREAGE: 109.70	DATE: 6/4/2013	SCALE: 1" = 200'
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SHEET 3 OF 7

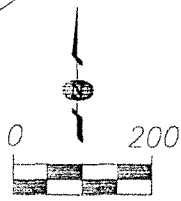
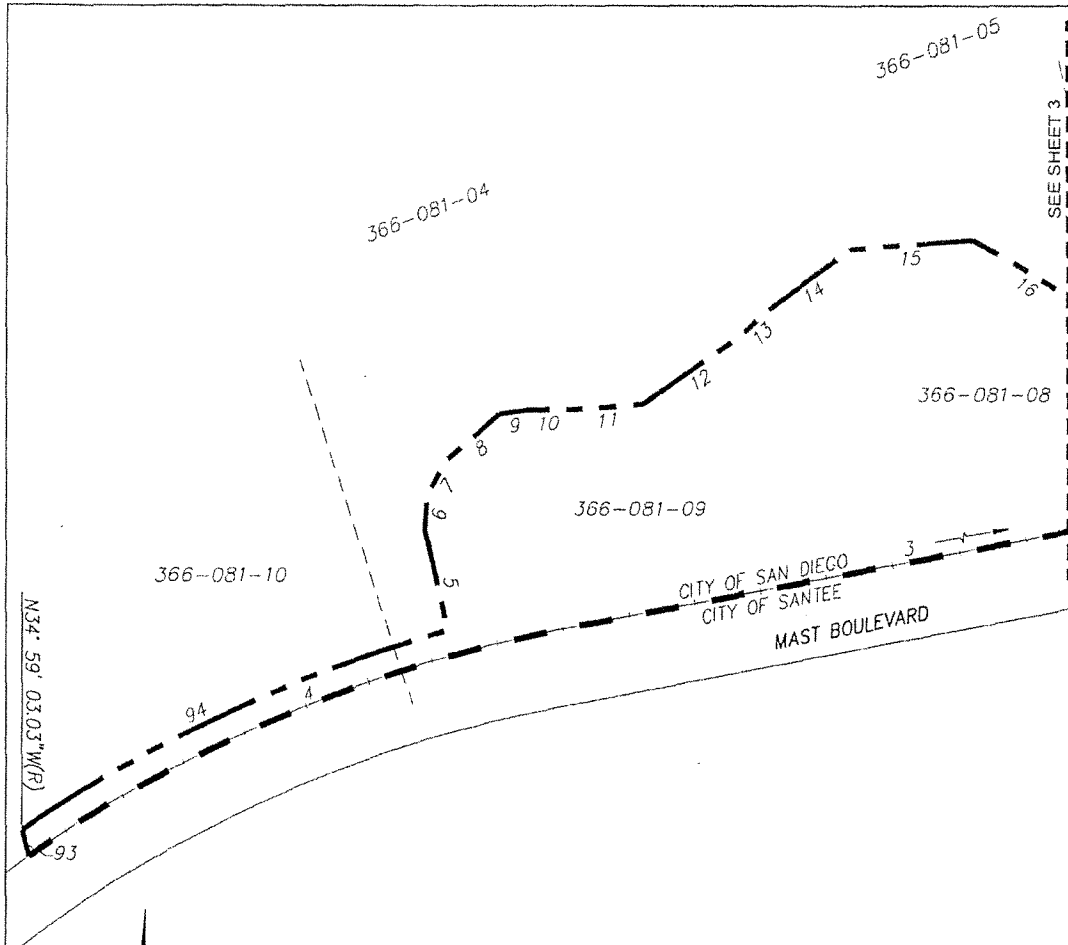
CASTLEROCK ANNEXATION NO. ____ - ____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



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 SAN DIEGO, CA 92121
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 FAX. 858.751.0634



LEGEND
 - - - - - PROPOSED DISTRICT BOUNDARY
 - · - · - EXISTING DISTRICT BOUNDARY
 - - - - - APN LINE

COURSES		
NO.	LENGTH	BEARING/RADIUS
3	1505.09'	S79°05'29"W
4	875.60'	2051.00'
5	151.63'	N13°13'06"W
6	52.68'	N03°03'57"E
7	59.16'	N28°23'48"E
8	105.57'	N48°31'47"E
9	41.49'	N81°59'55"E
10	67.60'	N89°46'54"E
11	104.54'	N85°18'06"E
12	186.45'	N55°13'11"E
13	40.00'	N45°43'55"E
14	160.31'	N53°23'06"E
15	180.83'	N85°43'34"E
16	211.90'	S59°41'44"E
93	40.47'	N15°04'09"W
94	699.52'	2089.00'

ASSESSOR'S PARCEL NUMBERS:
 366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

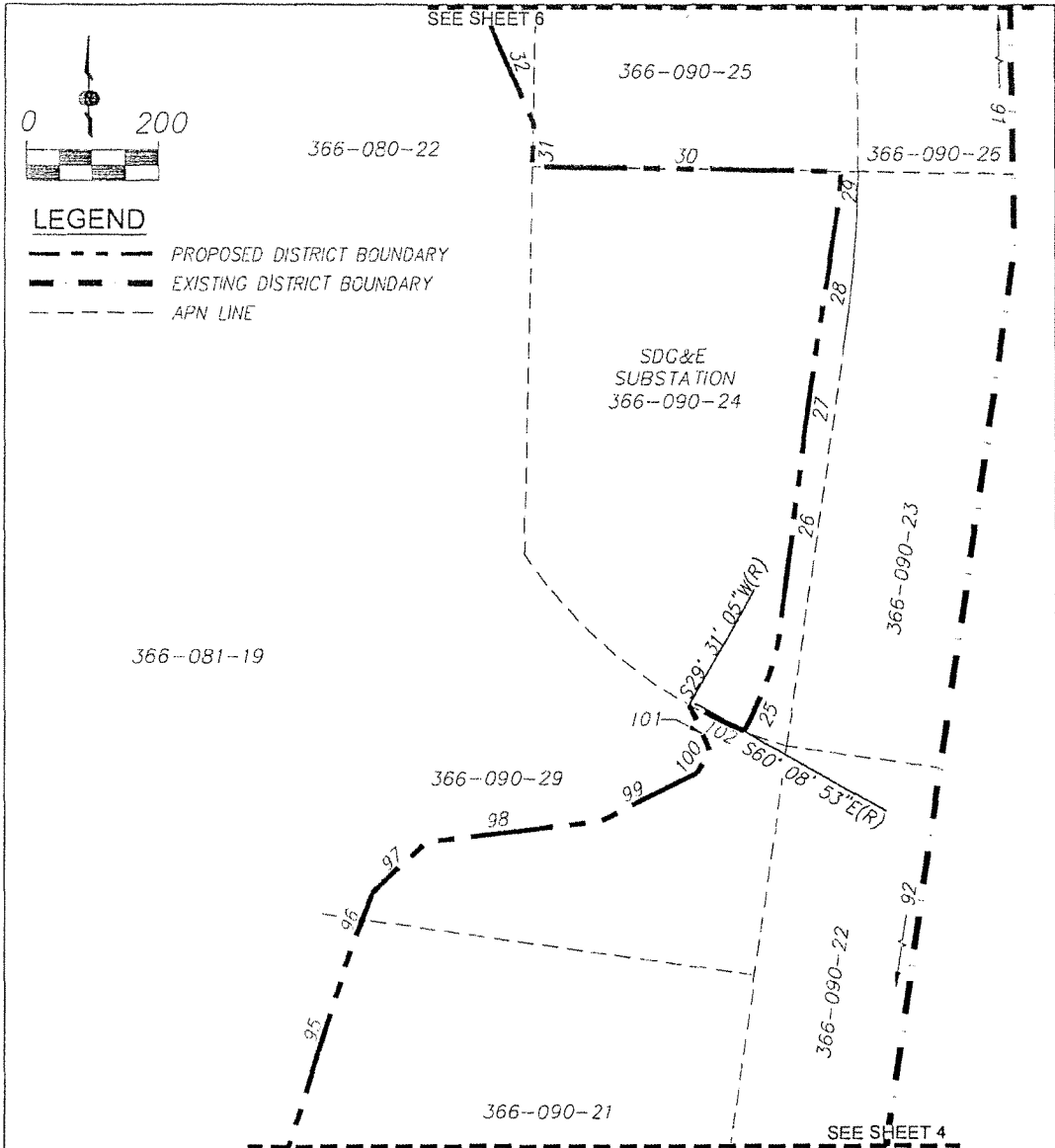
LAFCO RESOLUTION NO: _____ ACREAGE: 109.70 DATE: 6/4/2013 SCALE: 1" = 200'

SHEET 4 OF 7

CASTLEROCK ANNEXATION NO. _____
 BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
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LEGEND

- PROPOSED DISTRICT BOUNDARY
- - - EXISTING DISTRICT BOUNDARY
- - - APN LINE

COURSES		
NO.	LENGTH	BEARING/RADIUS
25	186.39'	467.00'
26	275.39'	N06°59'01"E
27	90.89'	3033.00'
28	252.47'	N08°42'02"E
29	55.68'	467.00'
30	463.36'	N89°10'07"W
31	65.30'	N01°17'37"E
32	188.21'	N23°51'21"W

COURSES		
NO.	LENGTH	BEARING/RADIUS
91	3256.53'	S00°51'48"E
92	1929.07'	S08°09'41"W
95	378.96'	N17°09'42"E
96	121.95'	N20°03'35"E
97	112.14'	N47°09'56"E
98	264.28'	N83°15'29"E
99	163.59'	N63°15'42"E
100	36.77'	N33°18'52"E
101	78.68'	N23°10'03"W
102	90.74'	740.00'

ASSESSOR'S PARCEL NUMBERS:
 366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

LAFCO RESOLUTION NO: _____ ACREAGE: 109.70 DATE: 6/4/2013 SCALE: 1" = 200'

SHEET 5 OF 7

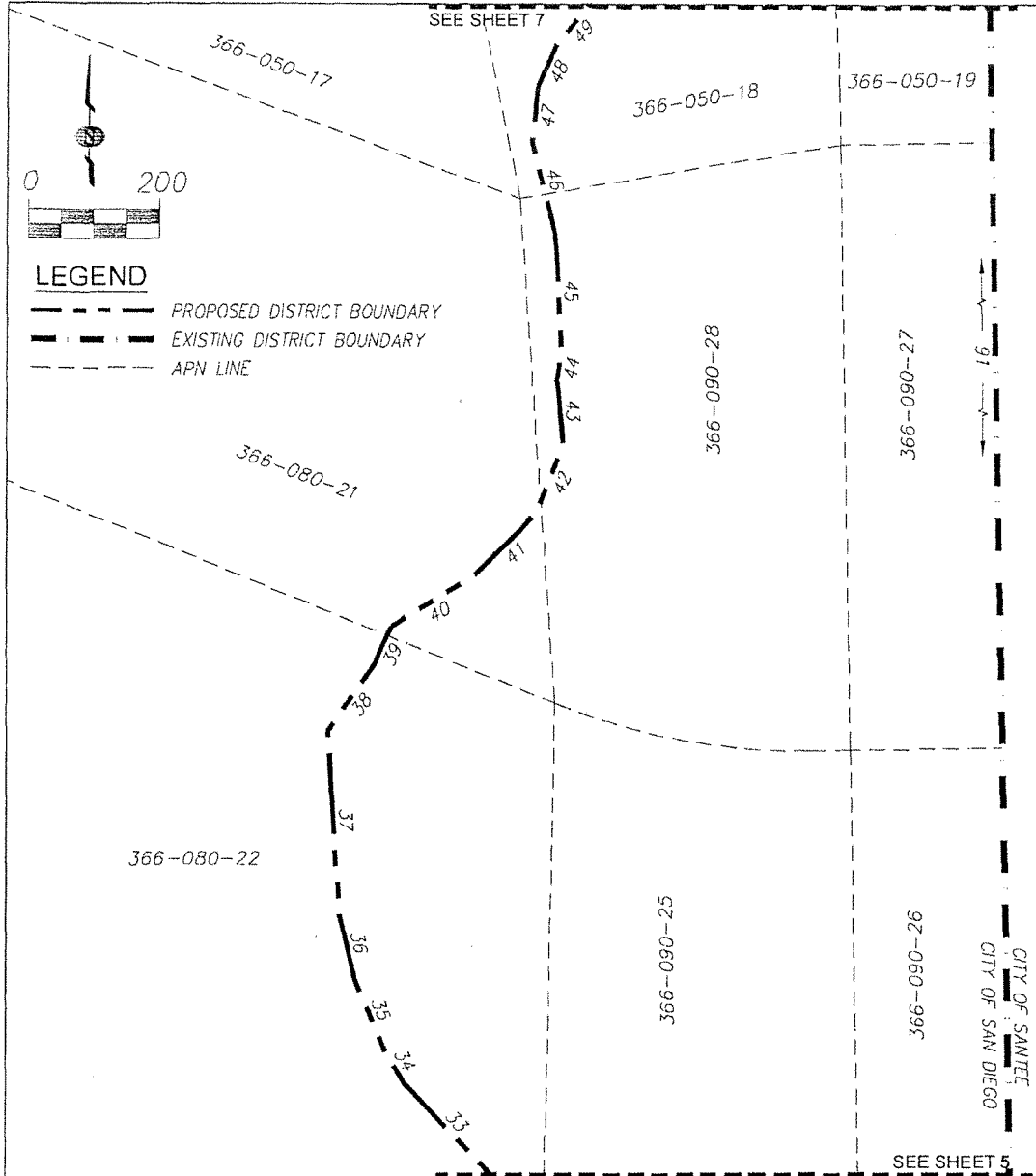
CASTLEROCK ANNEXATION NO. _____ - _____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
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LEGEND
 - - - - - PROPOSED DISTRICT BOUNDARY
 - · - · - · EXISTING DISTRICT BOUNDARY
 - - - - - APN LINE

COURSES		
NO.	LENGTH	BEARING/RADIUS
33	195.53'	N43°18'21"W
34	63.24'	N29°57'39"W
35	114.67'	N22°57'05"W
36	109.19'	N13°11'15"W
37	280.53'	N03°24'14"W

COURSES		
NO.	LENGTH	BEARING/RADIUS
38	126.55'	N34°26'05"E
39	63.64'	N24°04'13"E
40	151.19'	N58°12'31"E
41	134.29'	N44°29'44"E
42	114.99'	N21°07'15"E
43	96.06'	N05°48'26"W
44	47.91'	N08°57'20"E
45	179.60'	N03°09'52"W
46	146.08'	N14°04'50"W

COURSES		
NO.	LENGTH	BEARING/RADIUS
47	85.67'	N06°24'33"E
48	66.71'	N23°34'51"E
49	118.72'	N39°08'12"E
91	3256.53'	S00°51'48"E

ASSESSOR'S PARCEL NUMBERS:
 366-050-17, 18, 19, 20, 21, 22
 366-080-21, 22
 366-081-07, 08, 09, 10
 366-090-21, 22, 23, 25, 26, 27, 28, 29

LAFCO RESOLUTION NO: _____

ACREAGE: 109.70

DATE: 6/4/2013

SCALE: 1" = 200'

SHEET 6 OF 7

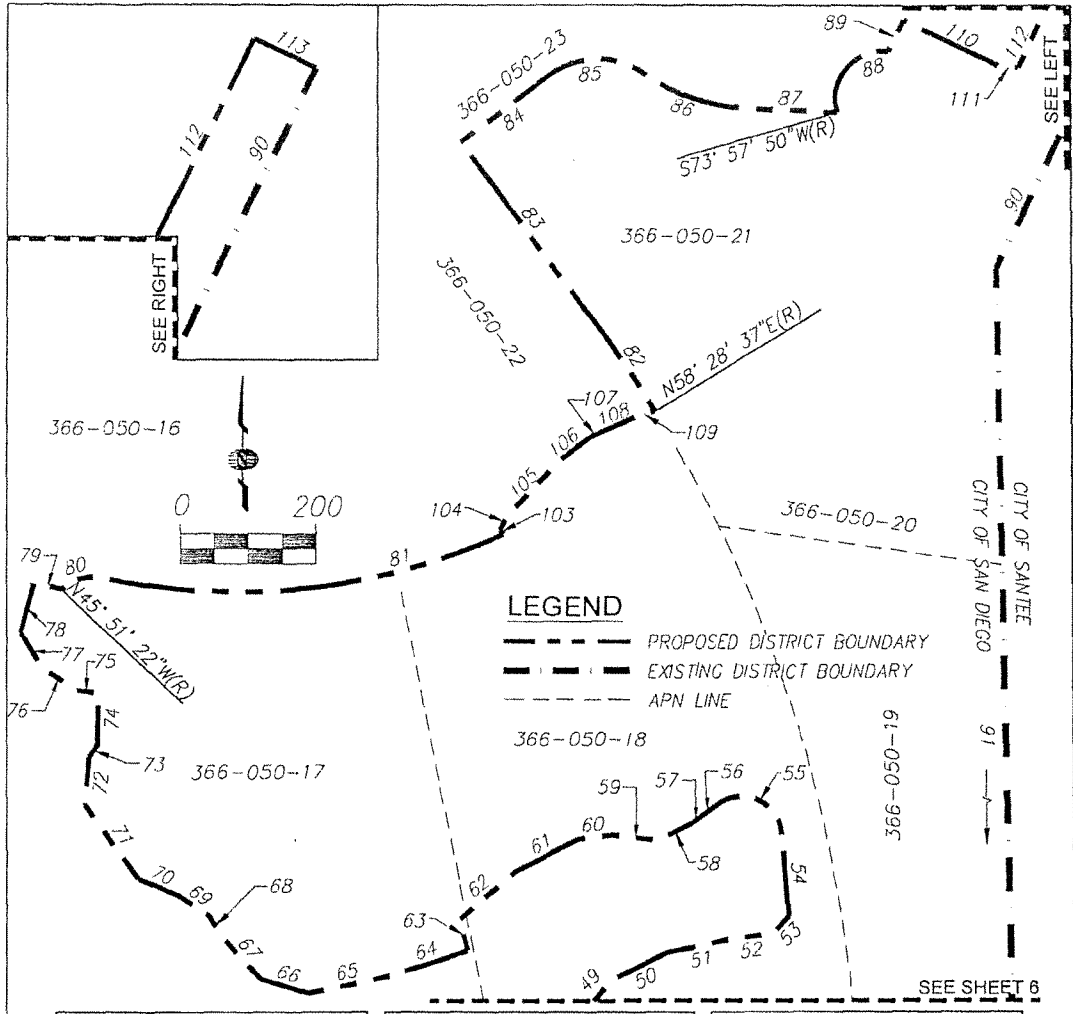
CASTLEROCK ANNEXATION NO. _____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN SIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



LEGEND

- PROPOSED DISTRICT BOUNDARY
- - - EXISTING DISTRICT BOUNDARY
- - - APN LINE

COURSES		
NO.	LENGTH	BEARING/RADIUS
49	118.72'	N39°08'12"E
50	92.57'	N63°28'43"E
51	90.97'	N77°47'40"E
52	66.98'	N82°29'34"E
53	36.61'	N42°58'35"E
54	124.15'	N04°43'55"W
55	128.81'	60.00'
56	34.21'	S52°15'34"W
57	11.00'	65.00'
58	55.00'	S61°57'16"W
59	68.95'	N84°07'26"W
60	51.62'	S83°22'21"W
61	104.04'	S62°34'55"W
62	111.62'	S49°44'40"W
63	48.22'	S16°17'46"E
64	120.01'	S71°55'14"W
65	129.00'	S77°54'33"W

COURSES		
NO.	LENGTH	BEARING/RADIUS
66	73.48'	N73°13'10"W
67	88.09'	N41°30'37"W
68	33.62'	N30°44'03"W
69	55.21'	N56°02'07"W
70	62.55'	N67°14'09"W
71	135.19'	N34°50'33"W
72	72.37'	N04°57'44"E
73	23.52'	N33°27'23"E
74	75.58'	N00°30'39"E
75	34.13'	N82°46'14"W
76	59.40'	N56°32'12"W
77	61.59'	N31°44'48"W
78	77.32'	N14°18'32"E
79	43.58'	S76°27'25"E
80	62.47'	62.00'
81	611.35'	970.00'
82	184.83'	2046.00'
83	308.16'	N36°41'57"W

COURSES		
NO.	LENGTH	BEARING/RADIUS
84	166.26'	N53°18'03"E
85	150.80'	120.00'
86	160.53'	280.00'
87	135.88'	S87°32'40"E
88	139.99'	72.00'
89	50.90'	N26°03'11"E
90	712.53'	S26°03'11"W
91	3256.53'	S00°51'48"E
92	7.77'	N36°41'34"W
93	28.64'	N30°30'14"E
94	110.46'	N43°52'42"E
95	51.24'	N51°21'23"E
96	26.53'	N64°18'17"E
97	58.49'	N65°58'17"E
98	23.85'	N76°15'53"E
99	156.96'	S63°56'49"E
100	28.87'	S87°24'50"E
101	428.80'	N25°58'01"E
102	100.36'	S63°58'18"E

ASSESSOR'S PARCEL NUMBERS:
 366-050-17,18,19,20,21,22
 366-080-21,22
 366-081-07,08,09,10
 366-090-21,22,23,25,26,27,28,29

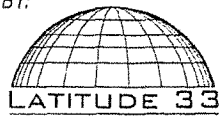
LAFCO RESOLUTION NO:	ACREAGE:	DATE:	SCALE:
	109.70	6/4/2013	1" = 200'

SHEET 7 OF 7

CASTLEROCK ANNEXATION NO. _____

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:



LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634

EXHIBIT "C"

Open Space Property

[Attached behind this page]

EXHIBIT "C"

LEGAL DESCRIPTION OPEN SPACE AREAS

PARCEL 'A'

A PORTION OF LOTS 4, 5, 8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAST BOULEVARD, DEDICATED TO THE CITY OF SAN DIEGO ON AUG. 21, 1963 AS FILE NO. 149198 OF OFFICIAL RECORD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY; THENCE

- | | | |
|-------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. SOUTH 90°00'00" WEST | 170.80 FEET | TO THE BEGINNING OF A 3051.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE |
| 2. SOUTHWESTERLY | 580.88 FEET | THROUGH A CENTRAL ANGLE OF 10°54'31"; THENCE |
| 3. SOUTH 79°05'29" WEST | 1,505.09 FEET | TO THE BEGINNING OF A 2051.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE |
| 4. SOUTHWESTERLY | 875.60 FEET | THROUGH A CENTRAL ANGLE OF 24°27'37" TO A POINT ON THE EASTERLY LINE OF LAND CONVEYED TO SYCAMORE LANDFILL, INC. PER DEED RECORDED MAY 3, 2011 AS FILE NO. 2011-0229116 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO BEING THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 7), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE |

- | | | |
|-----|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | LEAVING SAID EXISTING JURISDICTIONAL BOUNDARY AND NORTHERLY RIGHT-OF-WAY LINE |
| 5. | NORTH 15°04'09" WEST 40.47 FEET | ALONG THE EASTERLY LINE OF SAID DEED AND SAID CENTERLINE, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING ; THENCE |
| 6. | NORTH 15°04'09" WEST 505.73 FEET | TO THE NORTHEAST CORNER OF SAID DEED; THENCE |
| 7. | NORTH 68°32'29" EAST 1,897.85 FEET | TO THE SOUTHWEST CORNER OF LAND CONVEYED TO MITSUO ISHIHARA AND SALLY ISHIHARA, TRUSTEE OF THE ISHIHARA TRUST DATED MARCH 5, 1986, PER DEED RECORDED FEBRUARY 7, 2000 AS FILE NO. 2000-0061906 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE ALONG THE SOUTHERLY LINE OF SAID DEED |
| 8. | SOUTH 79°53'47" EAST 550.00 FEET | TO THE SOUTHEAST CORNER OF SAID DEED; THENCE |
| 9. | NORTH 11°14'29" EAST 1,199.53 FEET | TO THE NORTHEAST CORNER OF SAID DEED, SAID POINT LYING ON A NON-TANGENT 740.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 37°09'26" EAST, SAID POINT ALSO BEING THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 3), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE |
| 10. | NORTHWESTERLY 227.10 FEET | THROUGH A CENTRAL ANGLE OF 17°35'00" TO THE SOUTHEAST CORNER OF LAND CONVEYED TO NOBER FAMILY TRUST PER DEED RECORDED JULY 11, 2006 AS FILE NO. 2006-0488300 IN THE OFFICE OF THE SAN DIEGO COUNTY |

RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE LEAVING SAID CENTERLINE AND ALONG THE EASTERLY LINE OF SAID DEED

- | | | |
|--------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. NORTH 07°19'50" WEST | 630.03 FEET; | THENCE |
| 12. NORTH 45°36'42" WEST | 1,086.14 FEET; | THENCE |
| 13. NORTH 03°39'26" EAST | 1,647.10 FEET; | THENCE |
| 14. NORTH 13°32'35" EAST | 30.04 FEET | TO THE NORTHEAST CORNER OF LAND CONVEYED TO PLUMB FAMILY TRUST DATED NOVEMBER 19, 2007 PER DEED RECORDED NOVEMBER 4, 2008 AS FILE NO. 2008-0575971 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO LYING ON THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 5), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE ALONG SAID CENTERLINE |
| 15. SOUTH 76°27'25" EAST | 374.57 FEET; | THENCE LEAVING SAID CENTERLINE |
| 16. SOUTH 14°18'32" WEST | 77.32 FEET; | THENCE |
| 17. SOUTH 31°44'48" EAST | 61.59 FEET; | THENCE |
| 18. SOUTH 56°32'12" EAST | 59.40 FEET; | THENCE |
| 19. SOUTH 82°46'14" EAST | 34.13 FEET; | THENCE |
| 20. SOUTH 0°30'39" WEST | 75.58 FEET; | THENCE |
| 21. SOUTH 33°27'23" WEST | 23.52 FEET; | THENCE |
| 22. SOUTH 4°57'44" WEST | 72.37 FEET; | THENCE |
| 23. SOUTH 34°50'33" EAST | 135.19 FEET; | THENCE |
| 24. SOUTH 67°14'09" EAST | 62.55 FEET; | THENCE |
| 25. SOUTH 56°02'07" EAST | 55.21 FEET; | THENCE |

26. SOUTH 30°44'03" EAST	33.62 FEET;	THENCE
27. SOUTH 41°30'37" EAST	88.09 FEET;	THENCE
28. SOUTH 73°13'10" EAST	73.48 FEET;	THENCE
29. NORTH 77°54'33" EAST	129.00 FEET;	THENCE
30. NORTH 71°55'14" EAST	120.01 FEET;	THENCE
31. NORTH 16°17'46" WEST	48.22 FEET;	THENCE
32. NORTH 49°44'40" EAST	111.62 FEET;	THENCE
33. NORTH 62°34'55" EAST	104.04 FEET;	THENCE
34. NORTH 83°22'21" EAST	51.62 FEET;	THENCE
35. SOUTH 84°07'26" EAST	68.95 FEET;	THENCE
36. NORTH 61°57'16" EAST	55.00 FEET	TO THE BEGINNING OF A 65.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
37. NORTHEASTERLY	11.00 FEET	THROUGH A CENTRAL ANGLE OF 09°41'42"; THENCE
38. NORTH 52°15'34" EAST	34.21 FEET	TO THE BEGINNING OF A 60.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
39. NORTHEASTERLY AND SOUTHEASTERLY	128.81 FEET	THROUGH A CENTRAL ANGLE OF 123°00'30"; THENCE
40. SOUTH 4°43'55" EAST	124.15 FEET;	THENCE
41. SOUTH 42°58'35" WEST	36.61 FEET;	THENCE
42. SOUTH 82°29'34" WEST	66.98 FEET;	THENCE
43. SOUTH 77°47'40" WEST	90.97 FEET;	THENCE
44. SOUTH 63°28'43" WEST	92.57 FEET;	THENCE
45. SOUTH 39°08'12" WEST	118.72 FEET;	THENCE
46. SOUTH 23°34'51" WEST	66.71 FEET;	THENCE
47. SOUTH 6°24'33" WEST	85.67 FEET;	THENCE
48. SOUTH 14°04'50" EAST	146.08 FEET;	THENCE

49. SOUTH 3°09'52" EAST	179.60 FEET;	THENCE
50. SOUTH 8°57'20" WEST	47.91 FEET;	THENCE
51. SOUTH 5°48'26" EAST	96.06 FEET;	THENCE
52. SOUTH 21°07'15" WEST	114.99 FEET;	THENCE
53. SOUTH 44°29'44" WEST	134.29 FEET;	THENCE
54. SOUTH 58°12'31" WEST	151.19 FEET;	THENCE
55. SOUTH 24°04'13" WEST	63.64 FEET;	THENCE
56. SOUTH 34°26'05" WEST	126.55 FEET;	THENCE
57. SOUTH 3°24'14" EAST	280.53 FEET;	THENCE
58. SOUTH 13°11'15" EAST	109.19 FEET;	THENCE
59. SOUTH 22°57'05" EAST	114.67 FEET;	THENCE
60. SOUTH 29°57'39" EAST	63.24 FEET;	THENCE
61. SOUTH 43°18'21" EAST	195.53 FEET;	THENCE
62. SOUTH 23°51'21" EAST	188.21 FEET;	THENCE
63. SOUTH 1°17'37" WEST	648.70 FEET	TO THE SOUTHWEST CORNER OF LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC PER DEED RECORDED OCTOBER 21, 1975 AS FILE NO. 75-289826 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 740.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 55°46'34" WEST; THENCE ALONG THE SOUTHERLY LINE OF SAID DEED AND THE ARC OF SAID CURVE
64. SOUTHEASTERLY	339.15 FEET	THROUGH A CENTRAL ANGLE OF 26°15'35"; THENCE LEAVING SAID SOUTHERLY LINE
65. SOUTH 23°10'03" EAST	78.66 FEET;	THENCE
66. SOUTH 33°18'52" WEST	36.77 FEET;	THENCE
67. SOUTH 63°15'42" WEST	163.59 FEET;	THENCE
68. SOUTH 83°15'29" WEST	264.28 FEET;	THENCE

69. SOUTH 47°09'56" WEST	112.14 FEET;	THENCE
70. SOUTH 20°03'35" WEST	121.95 FEET;	THENCE
71. SOUTH 17°09'42" WEST	378.96 FEET;	THENCE
72. SOUTH 68°14'52" EAST	3.79 FEET;	THENCE
73. SOUTH 11°43'57" EAST	18.32 FEET;	THENCE
74. SOUTH 61°17'03" EAST	18.34 FEET;	THENCE
75. SOUTH 54°38'51" WEST	60.75 FEET;	THENCE
76. SOUTH 58°24'51" WEST	125.40 FEET;	THENCE
77. SOUTH 49°00'41" WEST	239.03 FEET;	THENCE
78. SOUTH 61°41'51" WEST	98.39 FEET	TO THE BEGINNING OF A 202.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
79. SOUTHWESTERLY AND NORTHWESTERLY	206.62 FEET	THROUGH A CENTRAL ANGLE OF 58°36'25"; THENCE
80. NORTH 59°41'44" WEST	211.90 FEET;	THENCE
81. SOUTH 85°43'34" WEST	180.83 FEET;	THENCE
82. SOUTH 53°23'06" WEST	160.31 FEET;	THENCE
83. SOUTH 45°43'55" WEST	40.00 FEET;	THENCE
84. SOUTH 55°13'11" WEST	186.45 FEET;	THENCE
85. SOUTH 85°18'06" WEST	104.54 FEET;	THENCE
86. SOUTH 89°46'54" WEST	67.60 FEET;	THENCE
87. SOUTH 81°59'55" WEST	41.49 FEET;	THENCE
88. SOUTH 48°31'47" WEST	105.57 FEET;	THENCE
89. SOUTH 28°23'48" WEST	59.16 FEET;	THENCE
90. SOUTH 3°03'57" WEST	52.68 FEET;	THENCE
91. SOUTH 13°13'06" EAST	151.63 FEET	TO THE BEGINNING OF A NON- TANGENT 2089.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 15°47'54" WEST; THENCE ALONG THE ARC OF SAID CURVE

92. SOUTHWESTERLY 699.53 FEET THROUGH A CENTRAL ANGLE OF
 19°11'11" TO THE TRUE POINT OF
BEGINNING.

SAID LAND CONTAINS 74.63 ACRES MORE OR LESS.

PARCEL 'B'

A PORTION OF LOT 8 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAST BOULEVARD, DEDICATED TO THE CITY OF SAN DIEGO ON AUG. 21, 1963 AS FILE NO. 149198 OF OFFICIAL RECORD, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY; THENCE

1. NORTH 08°09'41" EAST 1,980.60 FEET; THENCE
2. NORTH 00°51'48" WEST 3,256.54 FEET; THENCE
3. NORTH 26°03'11" EAST 712.52 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE LEAVING SAID
 JURISDICTIONAL BOUNDARY
4. NORTH 63°58'18" WEST 100.36 FEET; THENCE
5. SOUTH 25°58'01" WEST 428.80 FEET; THENCE
6. NORTH 87°24'50" WEST 28.87 FEET; THENCE
7. NORTH 63°56'49" WEST 156.96 FEET; THENCE
8. SOUTH 26°03'11" WEST 50.90 FEET TO THE BEGINNING OF A NON-
 TANGENT 72.00 FOOT RADIUS
 CURVE CONCAVE
 NORTHEASTERLY, A LINE RADIAL
 TO SAID POINT BEARS NORTH
 5°22'00" EAST; THENCE ALONG THE
 ARC OF SAID CURVE
9. SOUTHWESTERLY 139.99 FEET THROUGH A CENTRAL ANGLE OF
 111°24'10"; THENCE
10. NORTH 87°32'40" WEST 135.88 FEET TO THE BEGINNING OF A 280.00
 FOOT RADIUS CURVE CONCAVE
 NORTHEASTERLY; THENCE ALONG
 THE ARC OF SAID CURVE
11. NORTHWESTERLY 160.53 FEET THROUGH A CENTRAL ANGLE OF
 32°50'53" TO THE BEGINNING OF A
 REVERSE CURVE HAVING A RADIUS

		OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE
12. SOUTHWESTERLY	150.80 FEET	THROUGH A CENTRAL ANGLE OF 72°00'10"; SAID POINT REFERRED TO HEREINAFTER AS POINT 'A'; THENCE
13. NORTH 53°18'03" EAST	215.68 FEET;	THENCE
14. NORTH 26°03'11" EAST	735.51 FEET;	THENCE
15. SOUTH 63°56'49" EAST	620.00 FEET	TO A POINT ON THE EASTERLY LINE OF CAMP ELLIOT AS DESCRIBED IN DECREE OF DECLARATION OF TAKING RECORDED APRIL 6, 1942 AS DOCUMENT NO. 22105 IN BOOK 1342, PAGE 14 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, SAID POINT ALSO LYING ON THE EXISTING CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY; THENCE ALONG SAID EASTERLY LINE AND SAID CITY OF SAN DIEGO/CITY OF SANTEE JURISDICTIONAL BOUNDARY
16. SOUTH 26°03'11" WEST	182.73 FEET	TO THE TRUE POINT OF BEGINNING.

SAID LAND CONTAINS 9.54 ACRES MORE OR LESS.

PARCEL 'C'

A PORTION OF LOTS 8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT 'A'; THENCE

1. SOUTH 53°18'02" WEST	166.26 FEET	TO THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 1), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING ; THENCE ALONG SAID CENTERLINE
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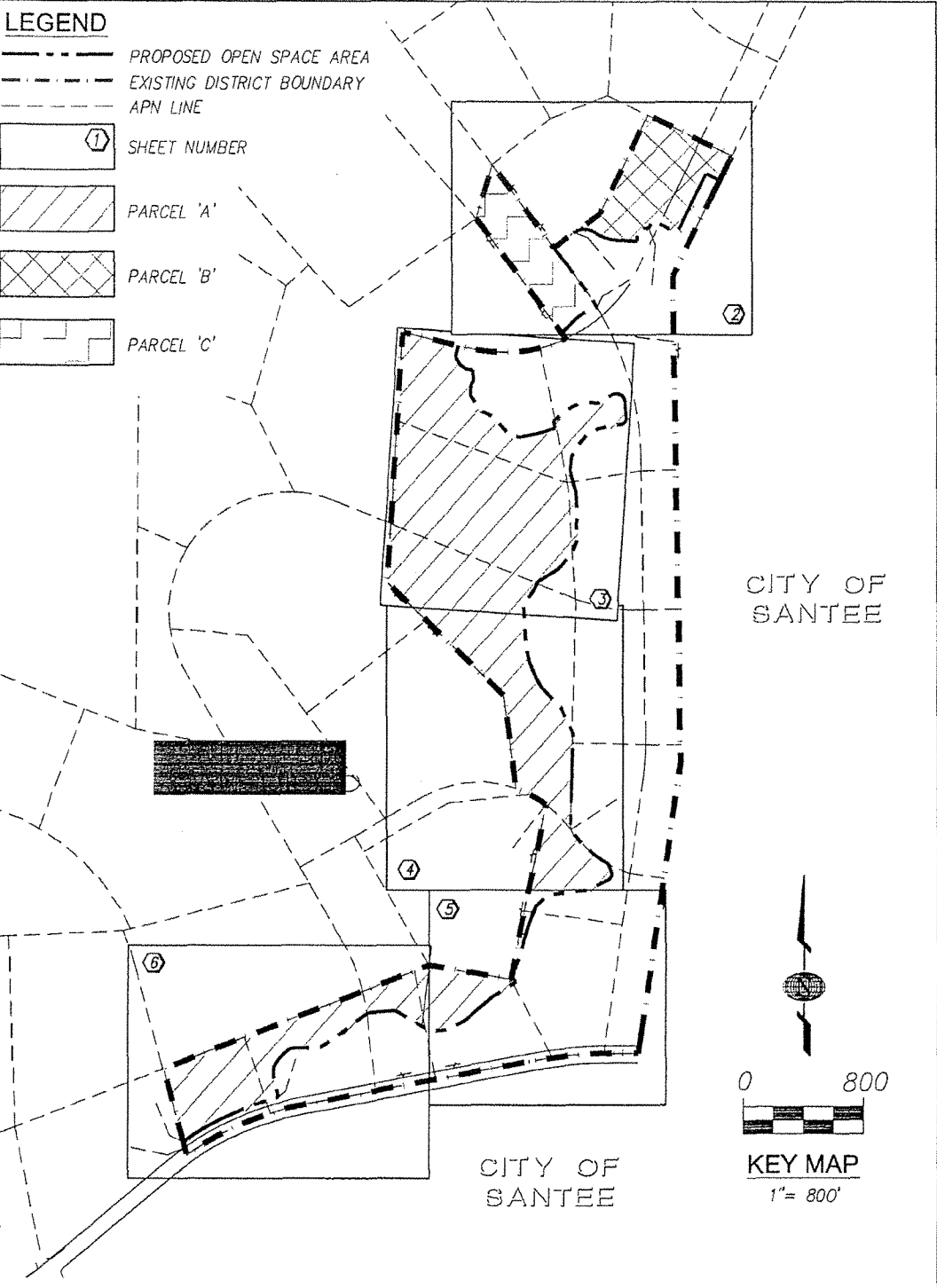
- | | | | |
|-----|----------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. | SOUTH 36°41'57" EAST | 308.16 FEET | TO THE BEGINNING OF A 2,046.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE CONTINUING ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE |
| 3. | SOUTHEASTERLY | 184.83 FEET | THROUGH A CENTRAL ANGLE OF 5°10'34"; THENCE LEAVING SAID CENTERLINE |
| 4. | SOUTH 76°15'53" WEST | 23.85 FEET; | THENCE |
| 5. | SOUTH 65°58'17" WEST | 58.49 FEET; | THENCE |
| 6. | SOUTH 64°18'17" WEST | 26.53 FEET; | THENCE |
| 7. | SOUTH 51°21'23" WEST | 51.24 FEET; | THENCE |
| 8. | SOUTH 43°52'42" WEST | 110.46 FEET; | THENCE |
| 9. | SOUTH 30°30'14" WEST | 28.66 FEET | TO A POINT ON THE EASTERLY LINE OF LAND CONVEYED TO SANTEE SCHOOL DISTRICT PER DEED RECORDED FEBRUARY 17, 1966 AS FILE NO. 66-0028071 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THENCE ALONG THE EASTERLY LINE OF SAID DEED |
| 10. | NORTH 36°41'34" WEST | 960.42 FEET | TO THE MOST NORTHERLY CORNER OF SAID DEED; THENCE |
| 11. | NORTH 16°02'11" EAST | 376.92 FEET | TO THE CENTERLINE OF SAID 60 FOOT ROAD EASEMENT; THENCE ALONG SAID CENTERLINE |
| 12. | SOUTH 36°41'33" EAST | 692.18 FEET | TO THE TRUE POINT OF BEGINNING. |

SAID LAND CONTAINS 7.25 ACRES MORE OR LESS.

BY: 
 JOHN EARDENSOHN, L.S. 5278
 (MY LICENSE EXPIRES 12-31-13)

DATED: 8/27/13





LEGEND

- PROPOSED OPEN SPACE
- EXISTING SUBDIVISION BOUNDARY
- APN LINE

SHEET 1 OF 8

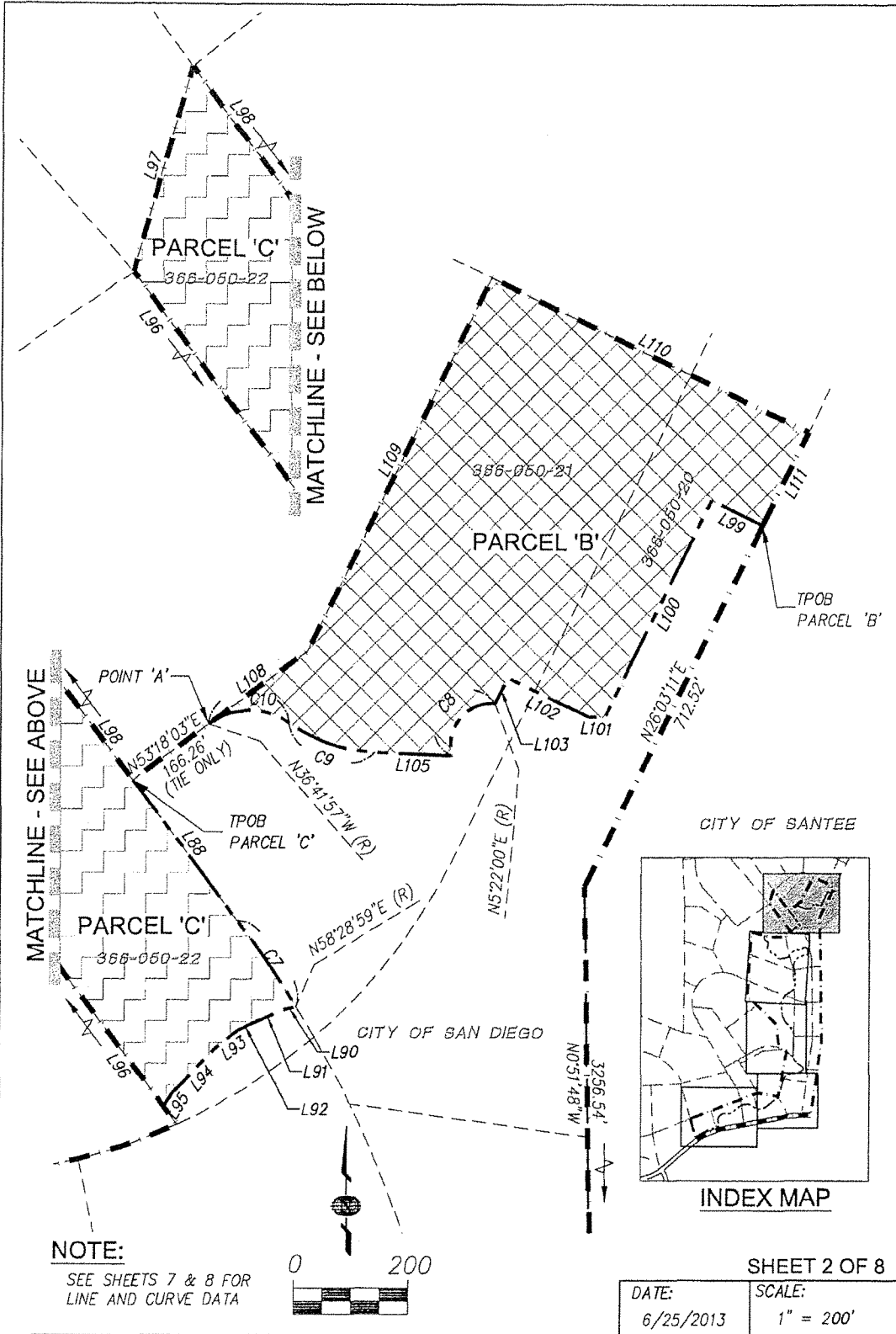
DATE: 6/25/2013	SCALE: 1" = 300'
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CASTLEROCK OPEN SPACE EXHIBIT

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



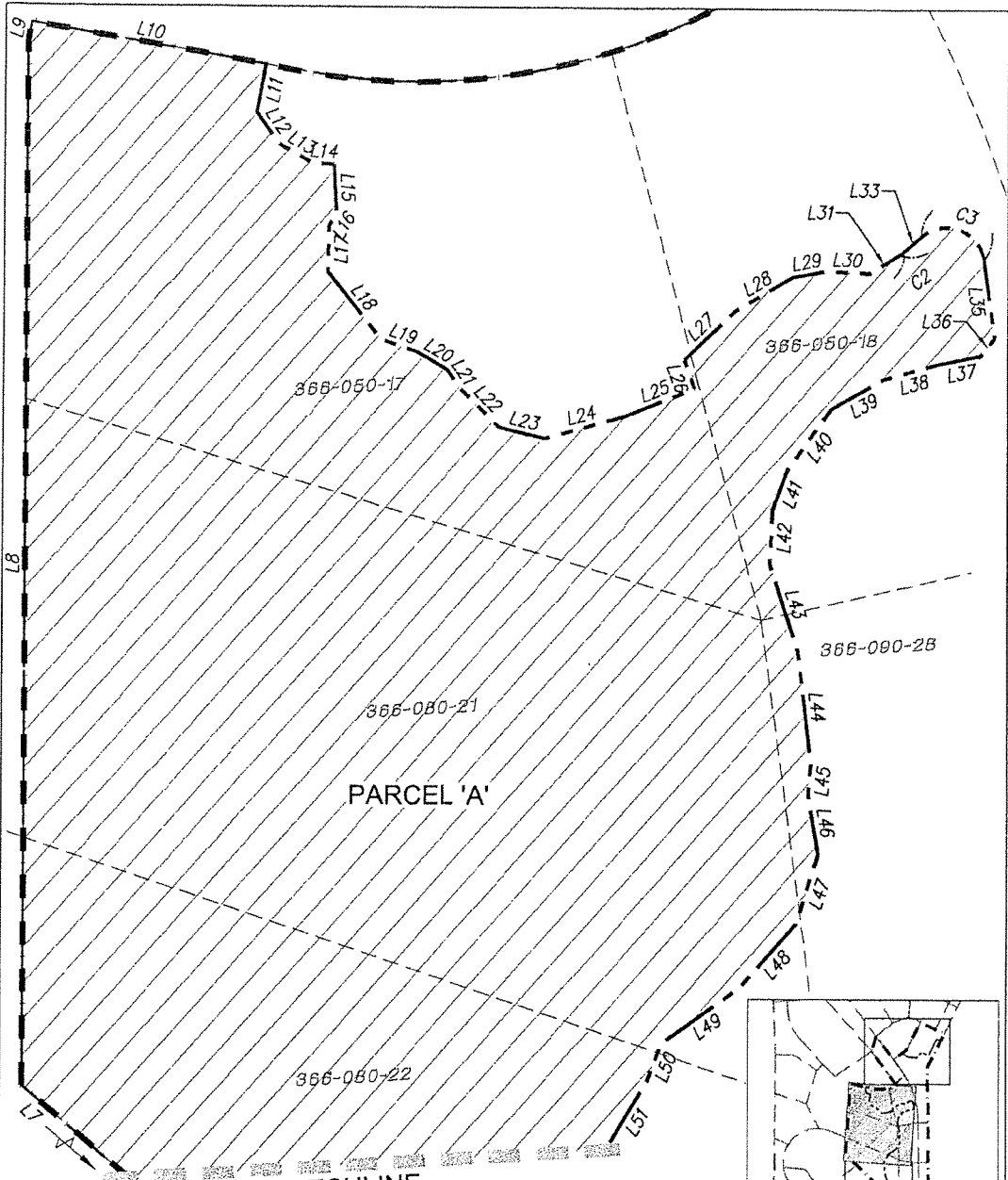
CASTLEROCK OPEN SPACE EXHIBIT

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

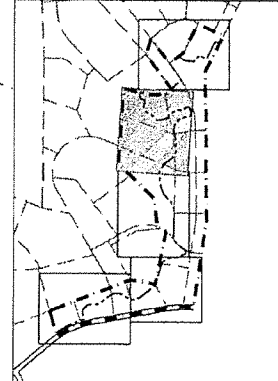
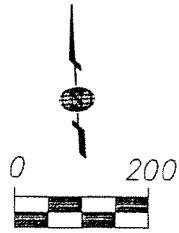


LATITUDE 33
 PLANNING AND ENGINEERING
 5355 MIRA SORRENTO PLACE, SUITE 650
 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634



MATCHLINE
SEE SHEET 4

NOTE:
SEE SHEETS 7 & 8 FOR
LINE AND CURVE DATA



INDEX MAP
SHEET 3 OF 8

DATE: 6/25/2013	SCALE: 1" = 300'
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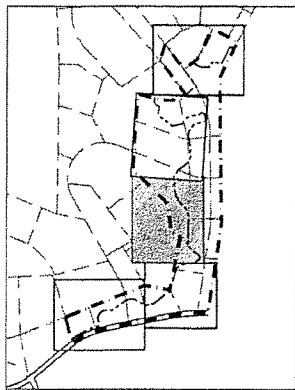
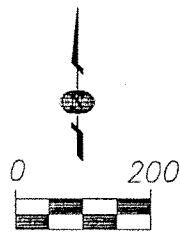
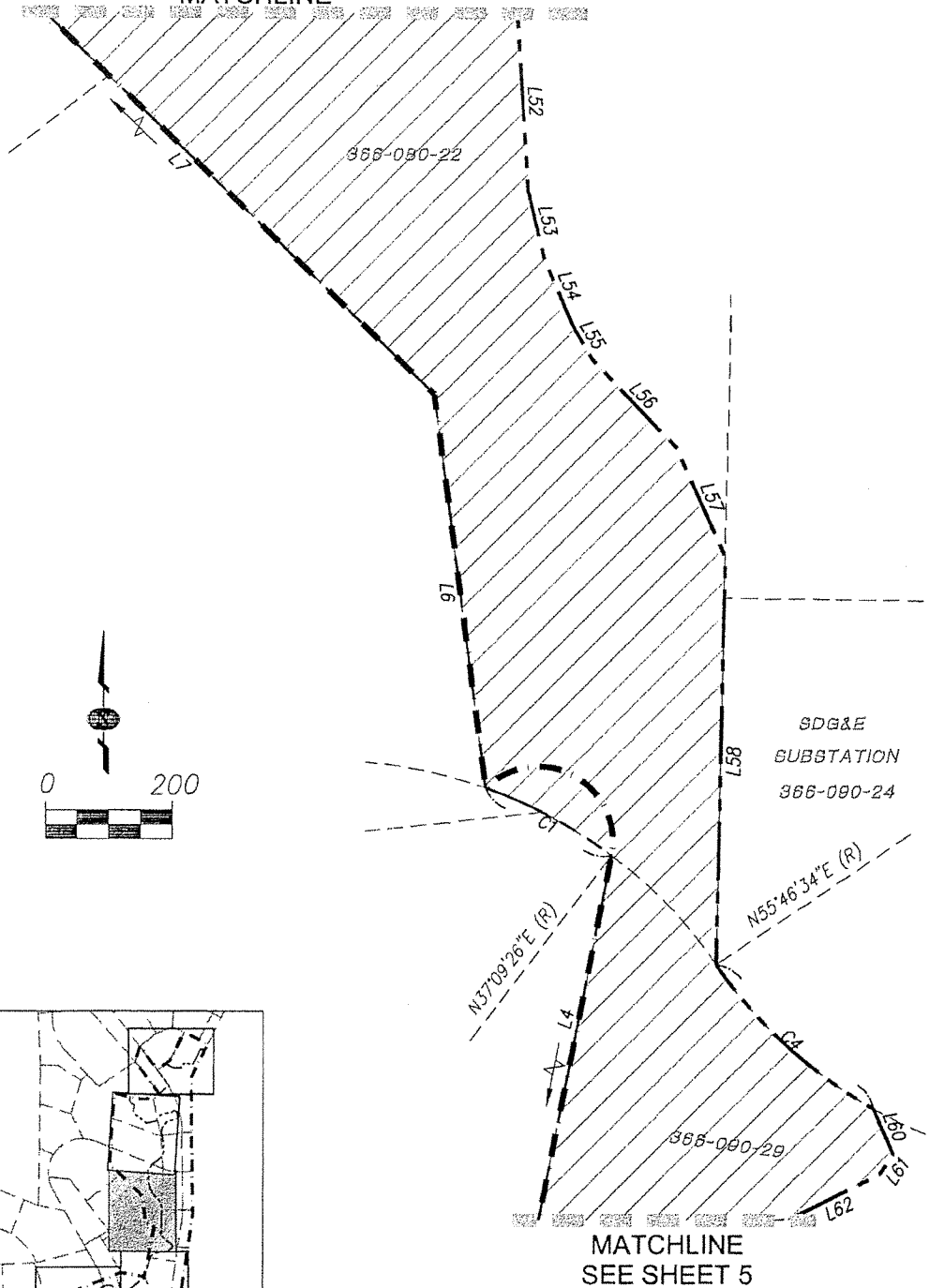
CASTLEROCK OPEN SPACE EXHIBIT

BEING A PORTION OF LOTS 4,5,8 AND 9 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1703, FIELD IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918.

PREPARED BY:

LATITUDE 33
PLANNING AND ENGINEERING
5355 MIRA SORRENTO PLACE, SUITE 650
SAN DIEGO, CA 92121
TEL. 858.751.0633
FAX. 858.751.0634

SEE SHEET 3
MATCHLINE



INDEX MAP

NOTE:
SEE SHEETS 7 & 8 FOR
LINE AND CURVE DATA

SHEET 4 OF 8

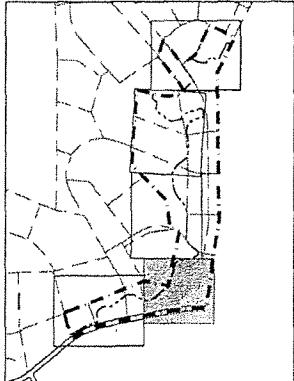
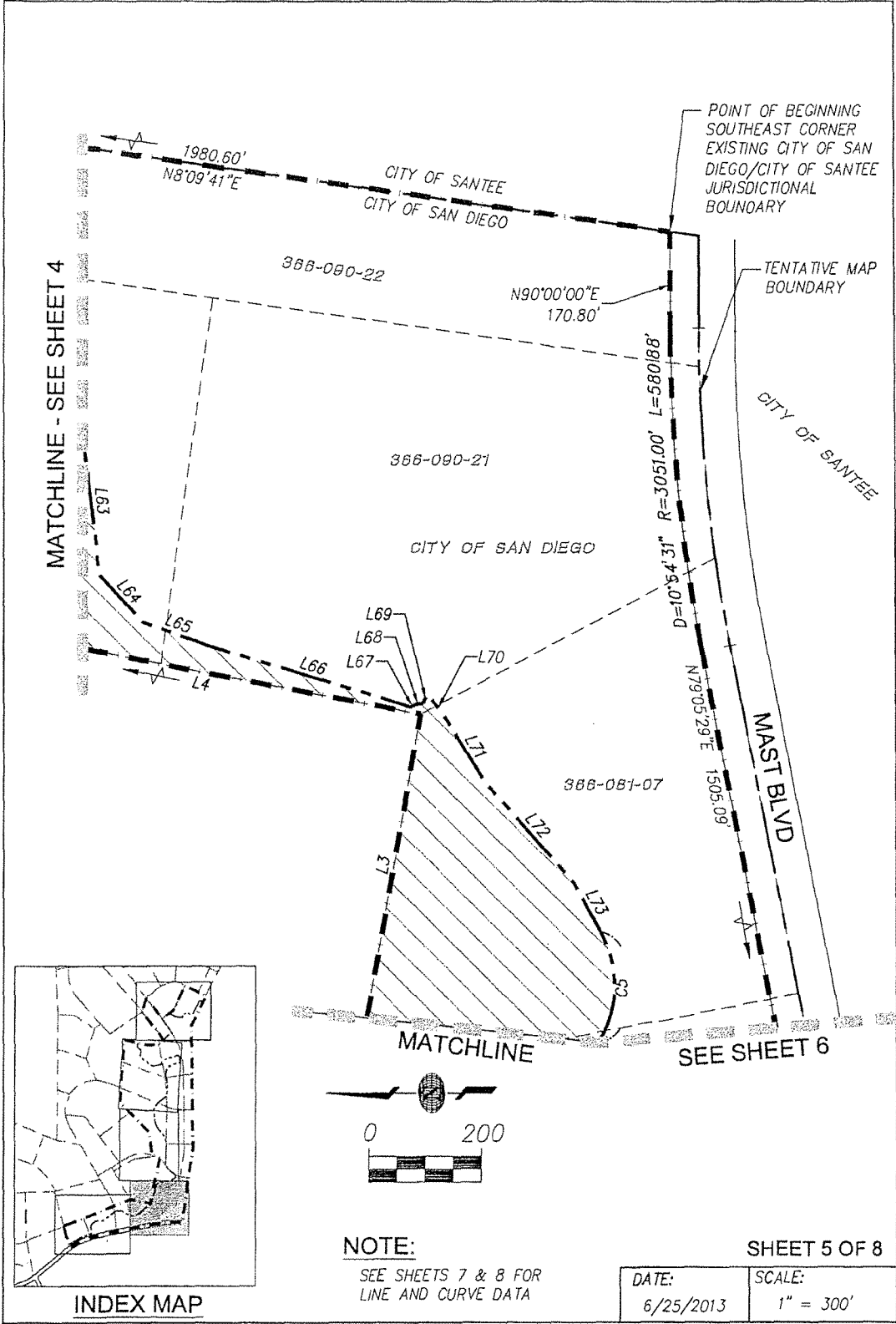
DATE: 6/25/2013	SCALE: 1" = 300'
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CASTLEROCK OPEN SPACE EXHIBIT

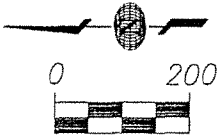
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INDEX MAP



NOTE:
SEE SHEETS 7 & 8 FOR
LINE AND CURVE DATA

SHEET 5 OF 8

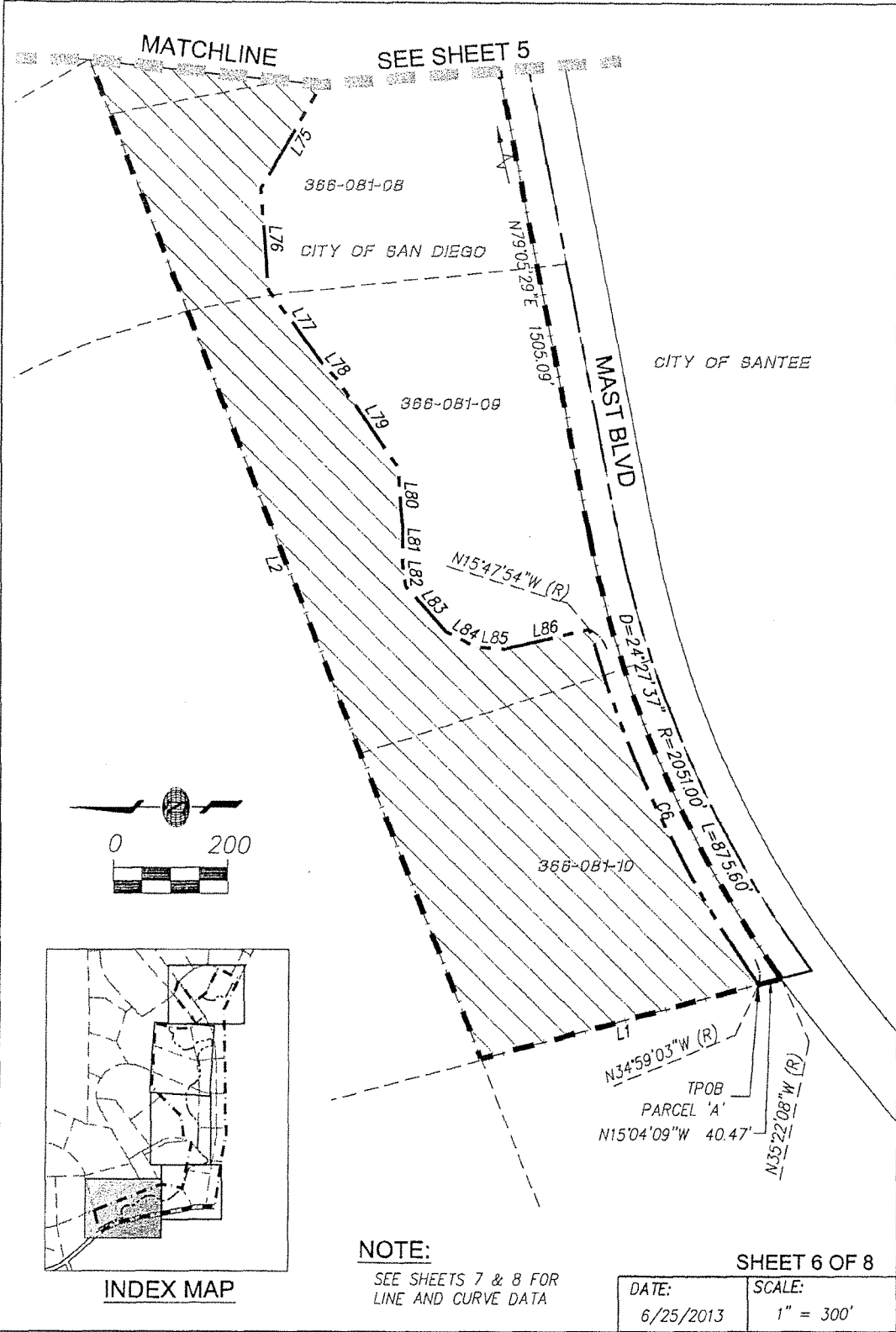
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LINE TABLE		
Line #	Length	Direction
L1	505.73'	N15°04'09"W
L2	1897.85'	N68°32'29"E
L3	550.00'	N79°53'47"W
L4	1199.53'	N11°14'29"E
L6	630.03'	N7°19'50"W
L7	1086.14'	N45°36'42"W
L8	1647.10'	N3°39'26"E
L9	30.04'	N13°32'35"E
L10	374.57'	N76°27'25"W
L11	77.32'	N14°18'32"E
L12	61.59'	N31°44'48"W
L13	59.40'	N56°32'12"W
L14	34.13'	N82°46'14"W
L15	75.58'	N0°30'39"E
L16	23.52'	N33°27'23"E
L17	72.37'	N4°57'44"E
L18	135.19'	N34°50'33"W
L19	62.55'	N67°14'09"W
L20	55.21'	N56°02'07"W
L21	33.62'	N30°44'03"W
L22	88.09'	N41°30'37"W
L23	73.48'	N73°13'10"W
L24	129.00'	N77°54'33"E
L25	120.01'	N71°55'14"E
L26	48.22'	N16°17'46"W
L27	111.62'	N49°44'40"E
L28	104.04'	N62°34'55"E
L29	51.62'	N83°22'21"E
L30	68.95'	N84°07'26"W
L31	55.00'	N61°57'16"E
L33	34.21'	N52°15'34"E

LINE TABLE		
Line #	Length	Direction
L35	124.15'	N4°43'55"W
L36	36.61'	N42°58'35"E
L37	66.98'	N82°29'34"E
L38	90.97'	N77°47'40"E
L39	92.57'	N63°28'43"E
L40	118.72'	N39°08'12"E
L41	66.71'	N23°34'51"E
L42	85.67'	N6°24'33"E
L43	146.08'	N14°04'50"W
L44	179.60'	N3°09'52"W
L45	47.91'	N8°57'20"E
L46	96.06'	N5°48'26"W
L47	114.99'	N21°07'15"E
L48	134.29'	N44°29'44"E
L49	151.19'	N58°12'31"E
L50	63.64'	N24°04'13"E
L51	126.55'	N34°26'05"E
L52	280.53'	N3°24'14"W
L53	109.19'	N13°11'15"W
L54	114.67'	N22°57'05"W
L55	63.24'	N29°57'39"W
L56	195.53'	N43°18'21"W
L57	188.21'	N23°51'21"W
L58	648.70'	N1°17'37"E
L60	78.66'	N23°10'03"W
L61	36.77'	N33°18'52"E
L62	163.59'	N63°15'42"E
L63	264.28'	N83°15'29"E
L64	112.14'	N47°09'56"E
L65	121.95'	N20°03'35"E
L66	378.96'	N17°09'42"E

SHEET 7 OF 8

DATE:
6/25/2013

SCALE:
1" = 200'

CASTLEROCK OPEN SPACE EXHIBIT

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FAX. 858.751.0634

LINE TABLE		
Line #	Length	Direction
L67	3.79'	N68°14'52"W
L68	18.32'	N11°43'57"W
L69	18.34'	N61°17'03"W
L70	60.75'	N54°38'51"E
L71	125.40'	N58°24'51"E
L72	239.03'	N49°00'41"E
L73	98.39'	N61°41'51"E
L75	211.90'	N59°41'44"W
L76	180.83'	N85°43'34"E
L77	160.31'	N53°23'06"E
L78	40.00'	N45°43'55"E
L79	186.45'	N55°13'11"E
L80	104.54'	N85°18'06"E
L81	67.60'	N89°46'54"E
L82	41.49'	N81°59'55"E
L83	105.57'	N48°31'47"E
L84	59.16'	N28°23'48"E
L85	52.68'	N3°03'57"E
L86	151.63'	N13°13'06"W
L88	308.16'	N36°41'57"W
L90	23.85'	N76°15'53"E
L91	58.49'	S65°58'17"W
L92	26.53'	N64°18'17"E
L93	51.24'	N51°21'23"E
L94	110.46'	N43°52'42"E
L95	28.66'	N30°30'14"E
L96	960.42'	N36°41'34"W
L97	376.92'	N16°02'11"E
L98	692.18'	N36°41'33"W
L99	100.36'	N63°58'18"W
L100	428.80'	N25°58'01"E

LINE TABLE		
Line #	Length	Direction
L101	28.87'	N87°24'50"W
L102	156.96'	N63°56'49"W
L103	50.90'	N26°03'11"E
L105	135.88'	N87°32'40"W
L108	215.68'	N53°18'03"E
L109	735.51'	N26°03'11"E
L110	620.00'	N63°56'49"W
L111	182.73'	N26°03'11"E

CURVE TABLE			
Curve #	Length	Radius	Delta
C1	227.10'	740.00'	17°35'00"
C2	11.00'	65.00'	9°41'42"
C3	128.81'	60.00'	123°00'30"
C4	339.15'	740.00'	26°15'35"
C5	206.62'	202.00'	58°36'25"
C6	699.53'	2089.00'	19°11'11"
C7	184.83'	2046.00'	5°10'34"
C8	139.99'	72.00'	111°24'10"
C9	160.53'	280.00'	32°50'53"
C10	150.80'	120.00'	72°00'10"

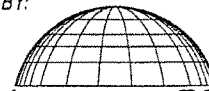
SHEET 8 OF 8

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 SAN DIEGO, CA 92121
 TEL. 858.751.0633
 FAX. 858.751.0634

EXHIBIT "D"

Resolution of Application for the Reorganization

[Attached behind this page]

**RESOLUTION OF APPLICATION BY THE CITY COUNCIL
OF THE CITY OF SANTEE REQUESTING THAT THE LOCAL AGENCY FORMATION
COMMISSION OF THE COUNTY OF SAN DIEGO INITIATE PROCEEDINGS FOR
THE DETACHMENT OF A PROPOSED RESIDENTIAL DEVELOPMENT PROJECT,
KNOWN AS CASTLEROCK, FROM THE CITY OF SAN DIEGO AND FOR THE
ANNEXATION OF THE PROJECT SITE INTO THE JURISDICTIONAL BOUNDARIES
OF THE CITY OF SANTEE AND PADRE DAM MUNICIPAL WATER DISTRICT**

WHEREAS, the City of Santee (hereinafter "Santee") actively monitors and comments on all significant development proposals beyond its jurisdictional boundaries which are located within a defined Planning Area as depicted in Figure 1-5 of Santee's General Plan; and

WHEREAS, in 2003 Pardee Homes (hereinafter "Pardee") submitted to the City of San Diego (hereinafter "San Diego") an application for a residential development project known as Castlerock (hereinafter "Project") within the East Elliot area of San Diego which is within Santee's defined Planning Area, and the City of Santee has been monitoring the application since that time; and

WHEREAS, in 2012 Pardee prepared, and San Diego circulated for public review and comment, a Draft Environmental Impact Report (SCH#2004061029) for the Project, which analyzes a dual development scenario, whereby under the first scenario 422 units would be developed in San Diego, and under the second scenario, approximately 108.72 acres of the Project site would be detached from San Diego and annexed to Santee; and

WHEREAS, on _____, 2013, San Diego certified the Final Environmental Impact Report (hereinafter "FEIR"), Findings of Fact and a Statement of Overriding Considerations, approved the Project and approved an Annexation Agreement (hereinafter "Annexation Agreement") that outlines a process to detach approximately 108.72 acres of the Project site from San Diego and annex that property into the jurisdictional boundaries of Santee and the Padre Dam Municipal Water District (hereinafter "Padre Dam"), and corresponding adjustments to spheres of influence; and

WHEREAS, Pardee, San Diego, Santee and Padre Dam have taken steps to approve the Annexation Agreement, a copy of which is attached hereto as Exhibit "A,"; and

WHEREAS, pursuant to the Annexation Agreement, the City Council of the City of Santee desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 et seq.) (hereinafter the "Act") seeking approval of the following organizational and jurisdictional changes:

- Detachment of the Project site, the boundaries of which are described in Exhibit "B" attached hereto (hereinafter "Territory"), from San Diego;

- Annexation of the Territory to the Santee, Padre Dam, County Service Area 69 and County Service Area 135;
- The above described detachment and annexations are not consistent with the spheres of influence of Santee, San Diego, Padre Dam, County Service Area 69 or County Service Area 135, therefore it is proposed and requested that the applicable spheres of influence be concurrently adjusted to reflect the above described detachment and annexations.

Together the above changes of organization and sphere of influence adjustments are hereafter referred to as the “Reorganization;” and

WHEREAS, the plan for providing services prepared in accordance with the requirement of Government Code section 56653 is attached hereto as Exhibit “C” (hereinafter “Plan for Services”) and as further explained in Section 5.4 of the Resolution; and

WHEREAS, the Local Agency Formation Commission of the County of San Diego (hereinafter “LAFCO”), is the state-mandated regulatory agency established by the Act to review and approve proposed jurisdictional boundary changes, including annexations and detachments of Territory to and/or from cities and special districts principally to discourage urban sprawl and to encourage the orderly and efficient provision of services; and

WHEREAS, the Reorganization is consistent with the legislative intent of the Act in that it will provide for orderly development of the Territory and for more efficient services to the future inhabitants of the Territory through Santee, Padre Dam, County Service Area 69 and County Service Area 135 as shown in the Plan for Services; and

WHEREAS, Government Code section 56375(a)(7) provides that LAFCO require, as a condition to annexation, that a city prezone the Territory to be annexed, or, alternatively, to present evidence satisfactory to LAFCO that the existing development entitlements on the Territory are vested and consistent with the city’s General Plan. This Resolution and the Annexation Agreement provide evidence that the Project entitlements are vested and consistent with Santee’s General Plan in accordance with the terms of the Annexation Agreement. Through the Annexation Agreement, Santee agrees to provide full faith and credit to the vested rights of Pardee upon the same terms and conditions as San Diego; and

WHEREAS, the Territory subject to the Reorganization is uninhabited, and a description of the external boundary of the Territory is set forth in Exhibit “B;” and

WHEREAS, San Diego has eliminated or substantially lessened all significant effects on the environment, where feasible, as shown in its findings under Section 21081(A)(2) of the California Environmental Quality Act (“CEQA”) and Section 15091 of the CEQA Guidelines, and has determined that any remaining significant effects found to be unavoidable under Section 15901 are acceptable due to overriding concerns as

described in Section 15093; and

WHEREAS, for purposes of the CEQA analysis of the Reorganization, Santee is a Responsible Agency (CEQA Guidelines Section 15381), and the FEIR , Findings of Fact and Statement of Overriding Considerations shall be the environmental documentation used by Santee and others related to the processing of the Reorganization; and

WHEREAS, on _____ the Director of Development Services set this item for a public hearing, and the Notice of Public Hearing was published in the Union Tribune on____ and _____ ; and

WHEREAS, the City Council considered the Staff Report, all recommendations by staff, and public testimony.

NOW, THEREFORE, BE IT RESOLVED by the City of Santee City Council, after considering the evidence presented in the public hearing, that Santee hereby requests LAFCO to initiate proceedings for the Reorganization as supported by the following findings and on the following terms and conditions:

SECTION 1: Consistency with Santee’s General Plan

The possibility of annexation of property adjacent to Santee is discussed in Santee’s General Plan (City Council Resolution No. 63-2003, adopted on August 27, 2003). While development specifics were unknown at the time, the Land Use Element recognizes that residential development, such as the Project, might be made compatible with adjacent development in Santee, if the traffic impacts and fiscal impacts associated with the provision of municipal services are mitigated. Specifically, the General Plan includes the following language found on Page 1-14:

East Elliot Development. The East Elliot area of the City of San Diego borders Santee along the City’s western boundary. While the majority of this area is planned for preservation as part of the City of San Diego’s Multiple Species Conservation Program Subarea Plan, there are areas directly on the City’s western border that are designated for future residential development.

While residential development itself would be compatible with the adjacent residential development in Santee, there could be impacts to the City from the additional traffic generated by any future development as well as fiscal impacts resulting from the City providing automatic aid public services such as fire, emergency transport and law enforcement to this area.

Initiation of proceedings for the Reorganization is consistent with Santee’s General Plan because the Reorganization as described in the Annexation Agreement will mitigate the impacts of the Project on Santee. Through the Reorganization, Santee will receive revenue and other mitigation to offset the impacts to Santee from, among other things, the provision of municipal services to the Project and traffic impacts from the Project. The specific mitigation that address Project impacts to Santee are set forth in the

Annexation Agreement and the FEIR, which mitigation is incorporated by reference herein.

SECTION 2: Additional Consistency with Santee's General Plan Land Use Element Policies

Policy 9.0 and Policies 10.1 through 10.3 provide guidance on development in East Elliot, and both the Project and the Reorganization implement these Policies (General Plan page 1-23). In Policy 9.0, San Diego is encouraged to protect vacant lands in the East Elliot area along Santee's western boundary as part of a regional preserve system. The Project proposes to preserve 90 acres surrounding the proposed development footprint and to incorporate this area into San Diego's Multiple Habitat Preserve Area adjacent to Santee, consistent with this Policy.

Furthermore, Land Use Element Policy 10.1 encourages Santee to actively pursue annexation of the land currently under the jurisdiction of San Diego, which is located along the San Diego River at Santee's western city limits to the Mission Trails Regional Park MTRP, and in the East Elliot Area on Santee's western boundary. The Reorganization implements this Policy by causing the annexation of approximately 108.72 acres of land in this area to Santee.

Land Use Element Policy 10.2 also encourages Santee to cooperate with adjacent jurisdictions in establishing a Sphere of Influence. The Reorganization implements this Policy by causing an amendment to Santee's Sphere of Influence. Land Use Element Policy 10.3 further requires that Santee establish a Planning Area pursuant to the provisions of Section 65300 of the California Government Code. Specifically, Section 65300 requires the adoption of a comprehensive, long-term General Plan for the physical development of a city, including any land outside of a city's boundaries which, in the city's judgment, bears relation to its planning. Santee has an adopted Planning Area (General Plan Figure 1-5) which includes the East Elliot area. The Reorganization implements this Policy because it causes the annexation to Santee of approximately 108.72 acres of land currently in the Santee Planning Area.

SECTION 3: Consistency with San Diego's Community Plan for East Elliot

The Project is located within San Diego, and development is guided by the East Elliot Community Plan adopted by Resolution R-202550 of the San Diego City Council on April 29, 1971, as amended from time-to-time. The East Elliot Community Plan provides for residential use on approximately 117 acres on the eastern fringe of East Elliot, adjacent to Santee and in describing East Elliot, states, on page 1:

Due to a lack of nearby residential development or services in San Diego and proximity to residential development in Santee, de-annexation of this 117-acre area to Santee should be considered if, in the future, Santee favors such an annexation.

The Reorganization is consistent with San Diego's East Elliot Community Plan because it allows for the detachment of approximately 108.72 acres of land from San Diego within this defined area and annexation of that land to Santee.

SECTION 4: Compliance with Government Code section 56375(a)(7)

This application, Resolution and Annexation Agreement are intended to comply with the requirements of GC § 56375(a)(7) as recited above.

SECTION 5: Proposed Terms and Conditions

Santee requests that the Reorganization be subject to the terms and conditions set forth in this Section 5 of the Resolution. Capitalized terms not otherwise defined in this Resolution shall have the meaning given to them in the Annexation Agreement.

5.1 Effective Date of Reorganization. In accordance with Government Code section 57202(a), the effective date of the Reorganization shall be upon the date of recordation of the Certificate of Completion with the Recorder's Office of the County of San Diego, which the Parties desire to occur as soon after LAFCO Approval of the Reorganization as is reasonably possible ("Reorganization Effective Date").

5.2 Processing of and Services to the Residential Development Project After the Reorganization Effective Date.

5.2.1 Role of San Diego. San Diego shall process, permit and inspect the Residential Development Project in accordance with the Residential Development Project Entitlements, including the permit conditions, applicable Building Codes, policies and practices and the Annexation Agreement. San Diego shall take such actions that it would otherwise take regarding the Residential Development Project absent the Reorganization, except as may be modified pursuant to the terms of the Annexation Agreement.

5.2.2 Role of Santee. Santee shall have no obligation to process, permit or inspect the Residential Development Project. However, Santee shall be provided with reasonable access to the Residential Development Project by its owner and developer, currently Pardee, in order to monitor the progress of the Residential Development Project and its compliance with the Residential Development Project Entitlements. In the event that Santee believes, based upon its informal inspection of the Residential Development Project, that the Residential Development Project or portions thereof are not in compliance with the Residential Development Project Entitlements, Santee shall provide written notice of its concerns and the Parties shall meet and confer and make reasonable efforts to resolve them. If the Parties are unable to resolve Santee's concerns through a meet and confer process, the Mayor of San Diego or his or her designee shall make a final administrative decision regarding the concerns, subject to Santee's rights to challenge that decision through the provisions of Article 6 of the Annexation Agreement. Pardee shall reimburse Santee for the costs of all reasonably necessary informal inspections, for a cost not to exceed \$8,000 per calendar year. Such inspections are informal, and in no way alter San Diego's sole authority to process, permit or inspect the Residential Development Project.

5.2.3 Role of Padre Dam. Padre Dam shall process and inspect the plan, design, and construction of the Residential Development Project's water, sewer and

recycled water infrastructure for connection to Padre Dam. Padre Dam shall be provided with reasonable access to the Residential Development Project by Pardee in order to monitor the progress of the water, sewer and recycled water infrastructure portion of the Residential Development Project and its compliance with Padre Dam's standards and approved material requirements including but not limited to the Water Agency Standards adopted by Padre Dam, Padre Dam's rules and regulations, and the Contract to Make, Install and Complete Water and/or Sewer Facilities to be entered into by Pardee and Padre Dam prior to commencement of construction. All water, sewer and recycled water facilities shall be inspected and tested in accordance with the Water Agency Standards adopted by Padre Dam. Pardee shall reimburse Padre Dam for the costs of all inspections in accordance with Padre Dam's published fee schedules applicable throughout its service area.

5.2.4 Pardee's Obligation; Property Maintenance. Pardee shall make reasonable efforts to process the Residential Development Project with San Diego, and with Padre Dam with regard to water, sewer and recycled water infrastructure construction, to completion. At all times, Pardee shall maintain the Annexation Property in good condition and in compliance with reasonable maintenance standards sufficient to keep the Annexation Property free from fire hazards, visible defects, deterioration, dirt and debris.

5.3 Distribution of Processing Fees, Mitigation Fees, Credits, Open Space and Other Revenue from the Residential Development Project and the Annexation Property.

5.3.1 General Intent of the Parties. The Parties intend that the Party that provides a particular service to the Residential Development Project or the Property, or that will bear the impact for which a fee is imposed, should receive the fees or revenue associated with that service or impact. The Parties desire that this general intent guide the resolution of any future disputes about which Party should receive a fee or revenue associated with the Residential Development Project on the Annexation Property, unless otherwise expressly provided in Section 5.3.7 of this Resolution. It is also the intent of the Parties to comply with Government Code sections 66000 - 66025 and not to duplicate fees charged to Pardee.

5.3.2 Annexation Agreement/Revenue Sharing Agreement. The Parties intend the Annexation Agreement to fulfill LAFCO requirements for a Revenue Sharing Agreement among the Parties. To the extent not already addressed in the Annexation Agreement, Santee, San Diego and Padre Dam shall negotiate any further LAFCO-required revenue sharing agreement allocating the municipal share of property taxes and fee related revenue. Santee shall submit any further LAFCO-required revenue sharing agreement to LAFCO in accordance with legal requirements.

5.3.3 Fiscal Impact Analysis. The Parties have caused the preparation of a Fiscal Impact Analysis, attached to the Annexation Agreement as Exhibit G, which identifies both the current and anticipated taxes, fees, assessments and other revenue associated with the Residential Development Project and the Annexation Property and

the anticipated costs for the provision of various municipal services to the Residential Development Project and the Annexation Property. The Parties intend to use the Fiscal Impact Analysis as a guide to help the Parties to: (a) properly allocate the revenue from the Residential Development Project or Annexation Property to the Party that provides the service or bears the impact for which the revenue is provided, in accordance with the general intent of Section 5.3.1 of this Resolution; (b) to assist in the calculation of the annual operating deficiency, if any; (c) to avoid duplication of fees; and (d) to help satisfy any LAFCO-related information requirements.

5.3.4 Distribution of Revenue and Other Items. The Parties have attempted to identify the known taxes, fees, assessments, credits, dedications and other revenue generated from the Residential Development Project or the Annexation Property in Exhibit "H" of the Annexation Agreement, and for each such item, the Parties have designated the Party entitled to receive the item.

5.3.5 Payment of Fees by Pardee. Prior to the issuance by San Diego of any permits for the Residential Development Project, Pardee must pay the fees, assessments or other amount related to the permits and required to be paid prior to permit issuance to the Party entitled to receive the fee, assessment or payment. If the payment is due to San Diego, Pardee shall make such payment directly to San Diego. If the payment is due to Santee or Padre Dam, Pardee must make the payment directly to Santee or Padre Dam, obtain a receipt for the payment and submit the receipt to San Diego prior to permit issuance. Pardee agrees to use reasonable efforts to ensure that all required fees are paid to the Party designated to receive such payment prior to permit issuance. If a permit is issued prior to the payment of all required fees, Pardee is still obligated to pay the required fee to the designated Party.

5.3.6 Payment of Local Share of Property Taxes. Pardee or other landowners within the Annexation Property shall satisfy their duty to pay tax revenue to the Parties identified in Exhibit "H" to the Annexation Agreement through payment of applicable property taxes to the County of San Diego's Assessor's Office through the Assessor's Office's proscribed means. If San Diego receives the local government share of property taxes for the Annexation Property after the Reorganization Effective Date, then San Diego shall transfer such property taxes to the Parties identified in Exhibit "H" of the Annexation Agreement in accordance with the percentage of time during the annual assessment period that services were required to be provided by such Parties pursuant to the Annexation Agreement.

5.3.7 Undesignated Government Revenue. In the event that government revenue is generated from the Residential Development Project or the Annexation Property that are not identified, in whole or in part, in the Annexation Agreement, such revenue shall be distributed in a manner consistent with the general intent expressed in Section 5.3.1 above. The Mayor of San Diego, the City Manager of Santee and the General Manager of Padre Dam, or their respective designees, as applicable, shall within thirty (30) days of the identification of the revenue meet and confer in good faith to mutually agree upon who should receive such revenue. If the Parties cannot mutually agree, San Diego, Santee and Padre Dam, ("Revenue Disputing Parties"), as

applicable, shall resolve the issue by participating in at least four hours of mediation prior to filing any court action. The mediation shall be held in San Diego, California, before a mediator selected by the Revenue Disputing Parties. The mediation shall be commenced by any Revenue Disputing Party making a written demand for mediation to another party. Within 15 days after such demand is made, the Revenue Disputing Parties shall mutually select a mediator. If the Revenue Disputing Parties are unable to agree on a mediator, the administrator of JAMS in San Diego, California shall select an independent mediator. The Revenue Disputing Parties to the mediation shall equally share the costs of the mediation, however, no Revenue Disputing Party shall be required to pay more than \$4,000 in connection with any single mediation unless such Revenue Disputing Party agrees to do so in writing. All applicable statutes of limitation and defenses based upon the passage of time shall be tolled until 15 days after the date of the mediation session. The Revenue Disputing Parties will take such action, if any, required to effectuate such tolling. California Evidence Code Section 1119 through Section 1128 shall apply to the mediation. If a Revenue Disputing Party fails to cooperate to commence and/or participate in a mediation session, then, notwithstanding anything above, the other Revenue Disputing Party shall be free to file a court action even if no mediation session has taken place.

Upon resolution, the Parties shall execute an Annexation Agreement Operating Memorandum confirming the allocation. Such Annexation Agreement Operating Memorandum shall be signed by the City Manager of Santee, the Mayor of San Diego, the General Manager of Padre Dam or their respective designees.

5.3.8 Municipal Services Cost Neutrality. The provision of municipal services to the Residential Development Project or Annexation Property is intended be on a cost neutral basis to Santee. Pardee, Santee, San Diego and Padre Dam agree such cost neutrality is satisfied because they have caused the preparation of a Fiscal Impact Report that concludes that Santee's cost of services will be equal to or less than the revenue Santee anticipates it will receive from the Project. Accordingly, Pardee, Santee, San Diego and Padre Dam shall implement the requirements of the Annexation Agreement.

5.3.9 Housing Credits and Inclusionary Affordable Housing Fees. San Diego shall be entitled to receive credit towards its share of the regional housing needs allocation ("RHNA") for the number of qualifying units, if any, in the Residential Development Project. Santee shall make reasonable efforts to assist San Diego in receiving such credit, and agrees to reasonably consider executing any agreements necessary to cause San Diego to receive such credit. In addition, San Diego shall be entitled to receive any and all inclusionary housing fees associated with the Residential Development Project as may be established by the Residential Development Project Entitlements or San Diego's rules and regulations. The anticipated amount based on the current fee and estimated square footage of the homes is identified in Exhibit "H" of the Annexation Agreement. Santee shall not collect inclusionary housing fees or condition Pardee to construct affordable housing units on-site or off-site.

5.3.10 Open Space Deeds and Vernal Pool Maintenance Fees. San Diego shall accept fee title to the Open Space Property identified in the Residential Development Project Entitlements, and in accordance with those Entitlements and Santee shall have no obligation related to open space lands on the Open Space Property. In addition, San Diego shall be entitled to receive any and all mitigation fees related to the maintenance of vernal pools within the Open Space Property, as identified in Exhibit "H" of the Annexation Agreement.

5.4 Provision of Municipal Services to the Annexation Property.

5.4.1 Water, Sewer, and Recycled Water. Upon the Reorganization Effective Date, Padre Dam shall provide water, sewer and recycled water services to the Annexation Property. Pardee shall construct or cause the construction of all on-site public improvements and off-site public improvements necessary to connect to Padre Dam's water, sewer and recycled water services as required by the Residential Development Project Entitlements and Padre Dam's standards and approved material requirements including but not limited to the Water Agency Standards adopted by Padre Dam, Padre Dam's rules and regulations, and the Contract to Make, Install and Complete Water and/or Sewer Facilities Dam, to be entered into by Pardee and Padre Dam prior to commencement of construction, all of which are incorporated by reference. All water, sewer and recycled water facilities shall be inspected and tested in accordance with the Water Agency Standards adopted by Padre Dam. Pardee shall pay sewer and water capacity fees and other applicable fees, to Padre Dam in accordance and compliance with fee schedules in effect at the time of payment by Pardee to Padre Dam, as identified in Exhibit "H" of the attached Annexation Agreement. Padre Dam shall recover all of its other expenses not associated with the sewer and water capacity fee through monthly water, sewer and recycled water rates charged to users in accordance with rules and regulations applicable to Padre Dam. Upon the Reorganization Effective Date, Padre Dam shall provide water, sewer and recycled water services to the Annexation Property at the same level of service and upon the same terms and conditions as provided to other properties within Padre Dam's service area and assess such users monthly water, sewer and recycled water rates in accordance the rules and regulations applicable to Padre Dam.

5.4.2 Fire & Life Safety. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided primary fire and life safety services to the Annexation Property and San Diego shall provide or cause to be provided supplemental fire and life safety services pursuant to the terms of the 1984 Automatic Aid Agreement, as it currently exists or as may be amended, between San Diego and the Santee Fire Protection District on file in the office of the City Clerk of San Diego as Document No. RR-262067 ("Automatic Aid Agreement"). Prior to the Reorganization Effective Dave, San Diego shall provide primary fire and life safety services to the Annexation Property and Santee shall provide or cause to be provided supplemental fire and life safety services pursuant to the 1984 Automatic Aid Agreement.

5.4.3 Law Enforcement Services. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided primary law enforcement services to the

Annexation Property. The Parties acknowledge that Santee provides law enforcement services within its jurisdiction through a contract with the San Diego County Sheriff's Department. Santee anticipates that it will provide law enforcement services to the Annexation Property through its existing contract with the San Diego County Sheriff's Department. Nothing in this Agreement requires Santee to have or maintain its own law enforcement department or to continue its contract with the San Diego County Sheriff's Department; provided, however, that Santee shall provide law enforcement services to the Annexation Property at the same level of service and upon the same terms and conditions as provided other areas of Santee.

5.4.4 Other Municipal Services. Upon the Reorganization Effective Date, Santee shall provide or cause to be provided such other municipal services to the Annexation Property, other than the permitting and inspection services to be provided by San Diego and Padre Dam under the Annexation Agreement, as are typically provided to residential developments in Santee.

5.5 Full Faith and Credit Given to Right to Develop the Residential Development Project in Accordance with the Residential Development Project Entitlements.

5.5.1 Full Faith and Credit of Development Rights. The Parties agree that Pardee shall have the right to develop the Residential Development Project in accordance with the Residential Development Project Entitlements, and Santee agrees to give full faith and credit to the Residential Development Project Entitlements on the terms and conditions as issued by San Diego. To the extent the Residential Development Project Entitlements provide Pardee with vested rights to develop the Residential Development Project in accordance with the Residential Development Project Entitlements, Santee agrees to give full faith and credit to those vested rights on the same terms and conditions as San Diego. The full faith and credit created by the Annexation Agreement is not intended to either expand or contract Pardee's right to develop the Residential Development Project in accordance with the Residential Development Project Entitlements. The full faith and credit created herein is intended to provide Pardee with the assurance that Santee will honor Pardee's vested development rights in the same manner and under the same conditions as San Diego.

5.5.2 Post-Residential Development Project Entitlements Approval Actions by Pardee. After San Diego's approval of the Residential Development Project Entitlements, but before the Reorganization Effective Date, and with payment of San Diego processing fees, Pardee may process and complete all requirements necessary for a final map. However, San Diego shall only approve a final map in accordance with the Subdivision Map Act as provided in the Annexation Agreement.

5.5.3 Development of Annexation Property after Full Residential Development Project Build-Out. Any development of the Annexation Property occurring after full Residential Development Project Build-out that is not governed by the Residential Development Project Entitlements shall conform to the then existing requirements of Santee and Padre Dam. Santee and Padre Dam shall treat any existing

development that occurred in accordance with the Residential Development Project Entitlements as legal non-conforming, except to the extent that compliance with Santee and Padre Dam requirements would not unreasonably interfere with such existing development and would be consistent with the requirements imposed by Santee and Padre Dam on existing development outside the Annexation Property.

5.5.3.1 Santee: Reserved Authority; Changes in Federal or State Law. Santee shall retain the same rights as possessed by San Diego to apply land use or building requirements that may conflict with the Residential Development Project Entitlements in the same manner and on the same conditions as San Diego, including (a) the reasonable determination that compliance with the Residential Development Project Entitlements would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety; (b) or as necessary to comply with state or federal law or mandates. The action chosen to implement this reserved authority shall be of the minimum scope, effect, and duration necessary to accommodate the health and safety issue or higher law.

5.5.3.2 Padre Dam: Reserved Authority; Changes in Federal or State Law. Notwithstanding anything to the contrary in this Section, Padre Dam shall have the same rights as possessed by San Diego to apply requirements that may conflict with the Residential Development Project Entitlements in the same manner and on the same conditions as San Diego, including (a) the reasonable determination that compliance with the Residential Development Project Entitlements would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety; (b) or as necessary to comply with state or federal law or mandates. The action chosen to implement the authority reserved herein shall be of the minimum scope, effect, and duration necessary to accommodate the health and safety issue or higher law.

5.6 Additional Terms and Conditions.

5.6.1 Agreed to by Parties. The Parties may agree to include additional terms and conditions as part of the Application for Reorganization to be submitted by Santee to LAFCO during the LAFCO process through the Annexation Agreement Operating Memorandum process identified in Section 10.16 of the Annexation Agreement.

5.6.2 Imposed by LAFCO. The Parties acknowledge that LAFCO may impose additional terms and conditions on the Reorganization beyond those set forth in this Agreement. The Parties shall reasonably consider such terms and conditions and support them unless any such LAFCO imposed term or condition is in fundamental conflict with the terms and conditions of this Agreement.

SECTION 6: California Environmental Quality Act (CEQA) Status. The initiation of proceedings for the Reorganization is an action contemplated and analyzed in the FEIR for the Project in compliance with CEQA. The FEIR analyzes the environmental impacts that would result from the Project. The analysis discusses the potential impacts to Land Use, Landform Alteration/Visual Quality/Neighborhood Character, Air

Quality/Odor, Biological resources, Historical resources, Human Health/Public Safety/Hazardous materials, Hydrology/Water Quality, Geology and Soils, Greenhouse Gases, Noise, Paleontological Resources, Transportation/Circulation, Public Facilities and Services, Public Utilities, and Energy Use/Conservation. The analysis concludes that the annexation scenario would result in significant, but mitigable direct impacts associated with Air Quality (construction emissions), Biological Resources, Cultural/Historical Resources (archaeology), Human Health/Public Safety/Hazardous Materials (unexploded ordnance), Noise (traffic noise exposure), Paleontological Resources (unknown subsurface resources) and Transportation/Circulation. Implementation of the Mitigation Monitoring and Reporting Program would reduce these environmental effects to below a level of significance. Findings of Fact and Statement of Overriding Considerations have been adopted by the City of San Diego as Lead Agency for the Project. Findings of Fact pertain to: 1) Findings Regarding Significant Impacts that can be Mitigated to below a Level of Significance; 2) Findings Regarding Mitigation Measures which are the Responsibility of Another Agency; 3) Findings Regarding Infeasible Mitigation Measures; 4) Findings Regarding Alternatives Considered and rejected; and 5) Findings Regarding Alternatives Considered in the FEIR. The Statement of Overriding Considerations pertain to: 1) Regional Economic Prosperity; 2) Biological benefits; 3) Recreational Benefits; 4) Housing Benefits; 5) Social benefits/Implementation of Applicable Planning Goals, Policies and Objectives; 6) Sustainability benefits; 7) the Maximized Efficient Use of the Project Site/ Territory; and 8) Annexation Agreement Benefits.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, that this Resolution of Application is hereby approved and adopted by the City of Santee. The Local Agency Formation Commission of San Diego County is hereby requested to process the Reorganization in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and in accordance with this Resolution. As a Responsible Agency, pursuant to CEQA Guidelines section 15096, the City Council has considered and approved the certified FEIR, Findings of Fact and Statement of Overriding Considerations for the Project.

ADOPTED by the City Council of the City of Santee, California, at a regular meeting thereof held this _____ day of _____ 2013, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

Exhibit A: Annexation Agreement

Exhibit B: Territory

Exhibit C: Plan for Services

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LEGISLATIVE POLICY L-102

Subject

SPHERES OF INFLUENCE OF CITIES AND SPECIAL DISTRICTS

Purpose

To establish the manner in which the San Diego Local Agency Formation Commission establishes and updates spheres of influence.

Background

In 1972, the State Legislature directed LAFCOs to adopt a sphere of influence for each local governmental agency. Spheres are to be developed in cooperation with each agency to represent . . . *the probable physical boundaries and service area of a local agency as determined by the Commission.* . . (Government Code § 56076). Spheres of influence provide guidance for the expansion and organization of local agencies; however, designation of a sphere does not *entitle* future annexation or require that areas within a sphere be annexed.

Since enactment of AB 2838 (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), State law directs LAFCOs to periodically review and update spheres of influence in concert with conducting Municipal Service Reviews. Spheres are used as regional planning tools to discourage urban sprawl and encourage orderly growth; accordingly, spheres must be based upon a comprehensive analysis of all relevant factors and they must be up-to-date. To ensure comprehensive updates, city spheres are reviewed in conjunction with the spheres of affected special districts and a determination is made regarding whether a city or an adjacent special district should provide future services to unincorporated areas. Special districts are also subject to sphere adoption/update provisions.

Policy

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

1. Designate spheres of influence in close cooperation with affected local agencies and communities;
2. Utilize spheres of influence to:
 - a. Guide deliberations on specific changes of organization;

- b. Discourage potential duplication of services by two or more local governmental agencies;
 - c. Determine the need for specific governmental reorganization studies;
 - d. Preserve community identities and boundaries;
 - e. Encourage political and functional reorganization of local agencies which cross-cut communities;
 - f. Encourage annexation of territory that has been specified as available for urban development prior to annexation of other areas; and
 - g. Encourage the extension of urban services to existing urban areas prior to extending services to areas that are not devoted to urban uses.
3. Encourage cities, which are adjacent to unincorporated territory, to reconcile incompatible general plan land use elements with the County of San Diego;
 4. Review city spheres of influence and special district spheres at approximately five-year intervals;
 5. Discourage major amendments to a city or special district sphere if the sphere has been updated or affirmed within the prior five year period except for the following conditions:
 - a. Public health or safety needs; for example, amending a jurisdiction's sphere to permit annexation of a parcel that requires public sewer service because of a failed septic system;
 - b. Property under a single ownership that is split by a sphere boundary if the split property shares characteristics including access, geography, communities of interest and the manner in which services will be provided;
 - c. A reorganization involving two or more jurisdictions if the sphere of influence boundaries are coterminous and each jurisdiction agrees to the sphere amendments and reorganization;

- d. If a city or special district can provide adequate documentation showing that conditions have significantly changed to warrant a sphere amendment.
6. Conduct sphere of influence evaluations and updates prior to the five-year interval if an affected jurisdiction or interested party submits a request based on adequate justification and the appropriate processing fee;
7. Maintain a sphere of influence for the San Diego County Water Authority, which is coterminous with the spheres of influence for SDCWA member-agencies, by amending or updating the SDCWA sphere concurrent with each amendment or update to spheres of member agencies;
8. Maintain a sphere of influence for the area of Metropolitan Water District of Southern California (MET) in San Diego County, which is coterminous with the sphere of influence for SDCWA, by amending or updating the MET sphere concurrent with each amendment or update to the SDCWA sphere; and
9. Facilitate communication with affected public agencies, communities, property owners and residents concerning the sphere of influence update process.

Adopted: August 6, 1990
Amended: May 4, 1998
Amended: June 5, 2000
Technical Update: May 2, 2005
Technical Update: August 25, 2008

Cross-reference:

SAN DIEGO LAFCO POLICY:

- A-101 SAN DIEGO ASSOCIATION OF GOVERNMENTS AND THE REGIONAL GROWTH MANAGEMENT STRATEGY
- L-104 LAFCO-INITIATED CHANGES OF ORGANIZATION

SAN DIEGO LAFCO PROCEDURES:

- SPHERES OF INFLUENCE
- LAFCO-INITIATED PROPOSALS

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

7a

AGENDA REPORT
 Business | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst I

SUBJECT: **CONTINUED: Proposed “Pastrana-Artesian Road Change of Organization” | Annexation to Rancho Santa Fe Community Services District and Related Negative Declaration under California Environmental Quality Act (CO22-02)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will continue consideration from the December 2022 meeting of a change of organization initiated by a landowner to annex approximately 10.0 acres of unincorporated territory to the Rancho Santa Fe Community Service District (CSD). The annexation is specific to extending public wastewater services; other CSD services – security, underground utilities, and landscape maintenance – are not part of the proposal. The affected territory as submitted comprises one entire parcel currently undeveloped in the unincorporated community of Rancho Santa Fe. The proposal purpose is to accommodate a future development, although no plans presently exist. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. A negative declaration is also presented for adoption finding the project will not have a significant effect on the environment consistent with the recommendations of an initial study.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org lafco@sdcountry.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Citites Selection Committee</p> <p>Vacant Citites Selection Committee</p> <p>Kristi Becker, Alt. City of Solona Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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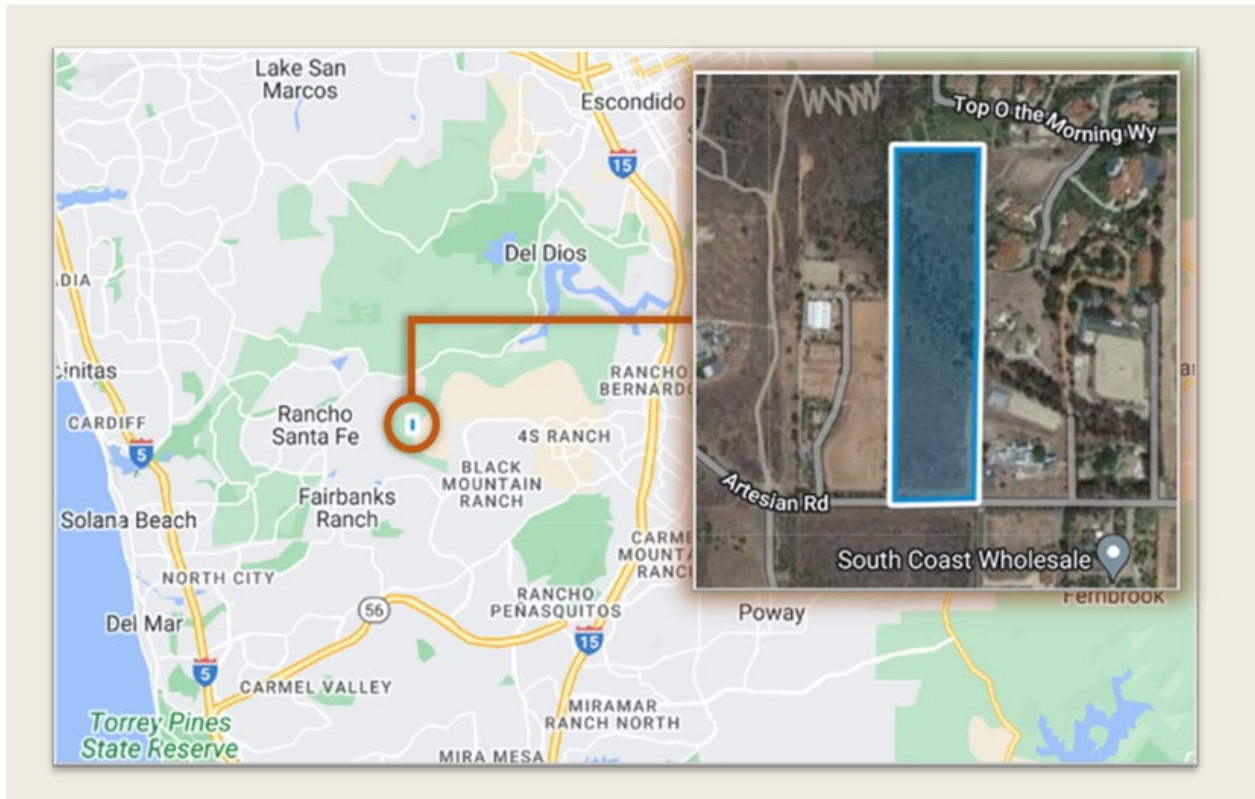
BACKGROUND

Applicant Request

San Diego LAFCO has received a change of organization proposal initiated by an interested landowner – Lin Su-Lu Pastrana – requesting approval to annex 10.0 acres of unincorporated territory in the Rancho Santa Fe community to the Rancho Santa Fe CSD. The affected territory as submitted comprises one entire legal parcel allocated along Artesian Road approximately 700 feet east of its intersection with Rio Vista Road. It lies entirely in Rancho Santa Fe CSD’s sphere of influence. The County Assessor’s Office identifies the subject parcel as 267-145-02.

Regional Setting

The affected territory lies in northern San Diego County within the unincorporated community of Rancho Santa Fe, near its eastern border with 4S Ranch. Principal access to the affected territory is provided by Camino del Norte via Artesian Road. Most of the surrounding area is under rural residential use. The affected territory lies within County Supervisorial District No. 3 (Terra Lawson-Remer), Assembly District No. 77 (Brian Malenschein), and Senate District No. 38 (Brian W. Jones). An aerial map of the affected territory and its regional setting follows.



Attachment One shows the affected territory relative to the proposed boundary change involving Rancho Santa Fe CSD.

Subject Agencies

The proposed change of organization filed with San Diego LAFCO involves one subject agency: Rancho Santa Fe CSD.¹ A summary of the subject agency in terms of governance, resident population, municipal functions, and financial standing follows.

- **Rancho Santa Fe CSD** is an independent special district formed in 1981 as a biproduct of the reorganization of the Rancho Santa Fe Sanitation District. The active service functions are wastewater (collection, treatment, and disposal classes), landscape maintenance, security, and utility undergrounding services. Wastewater serves as the Rancho Santa Fe CSD’s main function with the others organized with their own internal latent power zones. The jurisdictional boundary spans 16.2 square miles – or 10,348.8 acres – with a LAFCO estimated resident population of 141,950. LAFCO most recently updated Rancho Santa Fe CSD’s sphere of influence in 2013 with a larger-than-agency designation with the inclusion of 1,814 non-jurisdictional acres (mostly in 4S Ranch and Black Mountain Ranch areas). The last prepared audit shows Rancho Santa Fe CSD’s net position at \$38.5 million as of June 30, 2020 and reflects a decrease of (4.5%) over the prior three fiscal years.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 11 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 135 (regional communications)
- County Service Area No. 17 (ambulance)
- County Service Area No. 83 (parks)
- San Diego County Street Lighting District
- San Diego County Flood Control District
- Olivenhain Municipal Water District
- Metropolitan Water District of Southern California
- Rancho Santa Fe Fire Protection District
- Rancho Santa Fe Community Service District (sphere only)
- Resource Conservation District of Greater San Diego
- San Diego County Water Authority

The affected territory also lies within the following school and college districts, and accordingly received notice of the proposal: Solana Beach Elementary School District; San Dieguito Union High School; and Mira Costa Community College.

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

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.

DISCUSSION

This item is for San Diego LAFCO to continue considering the approval – with or without discretionary modifications – the change of organization proposal to annex the affected territory to Rancho Santa Fe CSD for purposes of establishing wastewater services. Other active CSD services – security, landscaping maintenance, and underground utilities– are separately organized as internal latent power zones and would require separate proposal consideration by LAFCO. 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 impacts, and Commission focus follows.

This proposal was originally presented to the Commission at its December 5, 2022 meeting with a staff request to continue the item and in doing so allow for additional consultation. This consultation was requested by the Rincon Band of Luiseno Indians and specific to LAFCO’s review of the proposal under the California Environmental Quality Act (CEQA). The consultation subsequently proceeded, and Rincon has provided LAFCO a letter attached to this report confirming no objections to this proposal.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to establish public wastewater service to position the landowner to proceed in the future with a development, although no specific plans exist at this time. No other active Rancho Santa Fe CSD services would be extended to the affected territory. Extension of wastewater would add to existing urban-serving services available to the affected territory through the standing inclusion with the jurisdictional boundaries of Olivenhain Municipal Water District (potable water) and Santa Fe Fire Protection District (fire protection and emergency medical), and County Service Area No. 17 (ambulance transport).

Current and Planned Development

The County of San Diego General Plan designates the affected territory as Semi-Rural Residential (SR-1) with a conforming zoning assignment of Rural Residential. This latter assignment provides a minimum parcel size of 2.0 acres. This latter assignment allows for a maximum density of four residential parcels within the affected territory given associated dedications for roads, sidewalks, etc. Additional intensity would also apply with the construction of an accessory dwelling unit for each single-family residence.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for Rancho Santa Fe CSD includes the affected territory and can readily accommodate the proposed annexation 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 in and outside LAFCO law 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 relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under CEQA.

Central Policy Items

Item No. 1 |

Change of Organization Timing

The timing of the change of organization involving annexation of the affected territory to the Rancho Santa Fe CSD 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, Rancho Santa Fe CSD (emphasis). A summary of key conclusions generated in the review of these factors and policies regarding service needs, capacities, and finances specific to the proposal and provision of wastewater to the affected territory follows.

- Service Needs

Annexation of the affected territory to Rancho Santa Fe CSD would represent a modest and orderly expansion of the District and its wastewater services and marked by accommodating a planned need. Additional details follow.

- Annexation of the affected territory to Rancho Santa Fe CSD for purpose of making available public wastewater service is consistent with the adopted residential land use policies of the County of San Diego and its residential designation.
- No Commission policies exist with respect to the notional preference to defer proposal consideration involving undeveloped and otherwise developable land until an entitlement is approved by the land use authority. This absence of an informing policy coupled with the relatively limited scope of potential development of the affected territory to include up to four residential lots suggests proceeding now with the proposal is reasonable.
- Proceeding with the annexation of the affected territory to Rancho Santa Fe CSD parallels the expressed interest of the landowner as the initiating party to proceed

with a development application with the County of San Diego. This baseline needs help quantify the timing of the proposed change of organization.

- Service Capacities and Levels

Rancho Santa Fe CSD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands in the affected territory at its planned maximum uses. Additional details follow.

- An existing Rancho Santa Fe CSD wastewater main is located north of the affected territory within the public right-of-way on Top of the Morning Way and accessible through an approximate +/- 1,000-foot private lateral connection.³

It is presumed the wastewater demand generated within the affected territory post annexation would equal a daily average of 1,200 gallons. This average demand projection is based on the presumed development of up to four single-family residences with a per unit daily generation of 300 gallons. This total average day demand represents less than 0.0039% of the current available contract capacity (treatment and disposal) available to Rancho Santa Fe CSD. Additional usage generated by accessory dwelling units would be de minimis.

- Service Funding and Costs

Rancho Santa Fe has adequate financial resources and administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. Rancho Santa Fe CSD’s most recent audited statements reflects the District’s sufficient liquidity and capital levels and highlighted by a current ratio of 16:1 and debt ratio of 1.0%. These measurements provide reasonable assurances of the District’s effective financial management and helps lessen concerns regarding recent operating losses that are marked by an average total margin of 0.05% over the last three fiscal years. Establishing actual wastewater service is premised on the landowner paying a connection fee to Rancho Santa Fe CSD of \$9,385. The landowner would subsequently pay an annual wastewater charge of \$950 for each dwelling unit.

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

The timing of the change of organization to annex the affected territory to Rancho Santa Fe CSD for purposes of extending public wastewater service is reasonably warranted. Justification is marked by the preceding analysis and appropriately syncs the need for public wastewater service in a developing area in a manner responsive to existing infrastructure and land use policies. Additional analysis supporting the conclusion is provided in Appendix A.

³ The property owner would be responsible for extending the existing sewer main located on Top of the Morning Way. The proposed sewer main will need to be conducted with a sewer easement granted to the Rancho Santa Fe CSD.

Item No. 2 | Modifications and Terms

No modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes conformation that the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features. Staff is recommending applying standard terms of approval.

CONCLUSION | MODIFICATIONS AND TERMS

No modifications appear warranted. Standard approval terms are recommended and include receipt of all remaining payments associated with the processing of the proposal by the Commission through recordation.

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 any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County of San Diego has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Rancho Santa Fe CSD given the underlying service – wastewater – is not presently provided.

Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority, either as a lead or responsible agency. LAFCO serves as lead agency under CEQA for this proposal given it has been initiated by landowner petition. Accordingly, and given the proposal qualifies as a project and no available exemptions were identified, staff prepared an initial study assessing the potential effects on the environment using the standard checklist under CEQA Guidelines.⁴ The initial study concludes there is no substantial evidence the proposal (project) will have a significant effect on the environment and the adoption of a negative declaration is warranted. A copy of the initial study is attached to this agenda report.

⁴ A draft initial study was circulated by LAFCO staff on October 12, 2022. A notice of intention to adopt a negative declaration was issued and circulated on November 8, 2022 with notice provided to all adjacent landowners and occupants as well as a physical sign posted at the affected territory per CEQA Guidelines.

The lone written response received regarding the initial study is provided as Attachment 5.

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 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters); the subject agency has not filed an objection to the waiver; and the landowner consents to the underlying action.

RECOMMENDATION

Staff recommends approval of the change of organization as submitted with standard terms along with a premising negative declaration. This recommendation is consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

- (a) Adopt the attached draft resolution approving a negative declaration for the proposal identified as “Pastrana-Artesian Road Change of Organization.”
- (b) Adopt the attached draft resolution conditionally approving the proposal identified as “Pastrana-Artesian Road Change of Organization” along with waiving protest.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

Disapprove the change of organization proposal – with or without approving the negative declaration – with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

(continued)

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,

A handwritten signature in blue ink, appearing to read "Carolanne", with a long horizontal flourish extending to the right.

Carolanne Ieromnimon
Analyst I

Appendix:

- A) Analysis of Proposal Review Factors

Attachments:

- 1) Vicinity Map of the Affected Territory
- 2) Draft Resolution Approving a Negative Declaration
- 3) Draft Resolution Approving-Ordering the Proposal
- 4) Application Materials
- 5) Written Comments on the Initial Study (Rincon Band of Luiseno Indians)
- 6) Initial Study

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APPENDIX A

Government Code Section 56668 Mandatory 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, in the next 10 years.**
-

The affected territory as submitted comprises one 10.0-acre unincorporated parcel in the community of Rancho Santa Fe. The subject parcel is undeveloped and uninhabited. The affected territory lies within an urban-residential area with moderate growth anticipated in the surrounding area within the next 10-year period. Total assessed value (land and structures) of the subject parcel is \$232,228 with the last transaction recorded in March 2021.

- 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 territory. These governmental services include community planning, roads, and police protection. Other pertinent service providers include County Service Area No. 135 (regional communications), Olivenhain Municipal Water District (domestic water), and Rancho Santa Fe Fire Protection District (fire protection and emergency medical). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may generate impacts on local utilities and municipal services. These impacts tie to the presumed net future addition of four new single-family residences on the project site as contemplated under County of San Diego zoning. This includes a direct project impact of extending Rancho Santa Fe CSD wastewater system by approximately 1,000 feet to receive flows from the project site. This expansion is deemed relatively modest. Further, the estimated wastewater flow generated within the project site at its presumed development would equal a daily average of 1,200 million gallons and represents less than 0.0039% of the capacity available to Rancho Santa Fe CSD.

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 change of organization and annexation therein to Rancho Santa Fe CSD would strengthen existing economic and social ties between the District and the affected territory given the land’s standing inclusion in the CSD sphere of influence. These ties – markedly – provides an existing community expectation for CSD to provide services headlined by wastewater in support of the site’s planned development under the County land use policies.

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 change of organization and annexation to Rancho Santa Fe CSD would facilitate the extension of public wastewater services to the affected territory and the anticipated future development of a minor four-lot subdivision. 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 follows.

- 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 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.

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 “prime agricultural land” or “agricultural land” 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 proposal and annexation to Rancho Santa Fe CSD 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

The proposed change of organization would make available public wastewater service to the affected territory in accommodation of its planned residential development. The proposal and its anticipated outcomes do not generate any known conflicts 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 affected incorporated territory is presently designated for semi-rural residential use under the adopted land use policies of the County of San Diego. The affected territory is zoned as Semi-Rural Residential (SR-2), which prescribes a minimum parcel size of 2.0 acres. The existing and planned residential uses are consistent with the proposal’s purpose to provide public wastewater to the affected territory and the potential development of a minor subdivision.

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

The affected territory lies entirely within Rancho Santa Fe CSD’s sphere of influence. The proposal does not conflict with any other local agency sphere of influence.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 30, 2023.

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 Rancho Santa Fe CSD 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 following factors.

- San Diego County SD’s last audit covers 2019-2020 and shows the District finished with ample liquidity levels with an agency-wide current ratio of 16.1 (i.e., \$16.1 in current assets for every \$1.00 in current liabilities).
- Rancho Santa Fe CSD finished 2019-2020 with high capital levels and marked by a low debt ratio of 1.0% (i.e., only \$1.0 out of every \$100.00 in net assets are financed.)
- Rancho Santa Fe CSD has experienced an upward trend in each of the last three audited fiscal years with an average total margin of 0.05%. The most recent year – 2019-2020 – the District finished with an overall total margin of 2.67%.

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

The affected territory already lies within Olivenhain MWD’s jurisdictional boundary, and as such is eligible to proceed with a connection to the potable water system at any time. Similarly, the affected territory lies within the two regional wholesale providers boundaries: San Diego County Water Authority and Metropolitan Water District of Southern California.

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 Rancho Santa Fe CSD 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 landowners support the proposed change of organization and have provided written consent to the proceedings.

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.

The change of organization is expected to have a positive impact on environmental justice by further promoting the availability of public wastewater service within the affected territory and in doing so provide further protections within the watershed. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California.

- The affected territory’s **composite pollution burden ranking** falls in the 24 percentiles with an internal range between 2 to 99 percentiles. Nine pollution burdens exceed the 33 percentile and involve air quality, pesticides, traffic, drinking water contaminants, cleanup sites, groundwater threats, hazardous waste, impaired water and solid waste, and considered moderate in magnitude. One of these six pollution burdens – impaired water – also exceed the 70-percentile and is considered significant in magnitude.
- The affected territory’s **composite susceptible population** ranking falls in the 15.6 percentile with an internal range between 6.7 to 53.9 percentiles. Four of these at-risk groups exceeds the 33 percentile and involves low birth weight, linguistic isolation, housing burden and unemployment. No measurement exceeds the 70-percentile used in this report as the threshold for a significant impairment.

A summary of all tracked pollution burdens and susceptible population follows.

APN 267-145-02

Pollution Burdens and Susceptible Population

Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)

Factor	Affected Territory + Surrounding Lands
Census Tract No.	60730170-30
Estimated Population	25,348
Pollution Burden	Weighted Percentile
... Composite Score	50.62
... Percentile	24.29
Indicator Air Quality: Ozone	48.70
Indicator Air Quality: PM 2.5:	16.35
Indicator Air Quality: Diesel PM:	22.74
Indicator Pesticides:	60.34
Indicator Toxic Releases:	10.34
Indicator Traffic:	57.76
Indicator Drinking Water Contaminants:	38.47
Indicator Lead in Housing:	2.47
Effects Cleanup Sites:	58.19
Effects Groundwater Threats:	63.37
Effects Hazardous Waste:	62.48
Effects Impaired Water:	99.03
Effects Solid Waste:	35.72
Sensitive Population	Weighted Percentile
... Percentile	15.62
Population Asthma:	6.66
Population Low Birth Weight:	40.47
Population Cardiovascular Disease:	14.68
Population Education:	8.42
Population Linguistic Isolation:	36.97
Population Poverty:	12.45
Population Unemployment:	53.89
Population Housing Burden:	53.12

- 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 Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies within a wildfire hazard area.

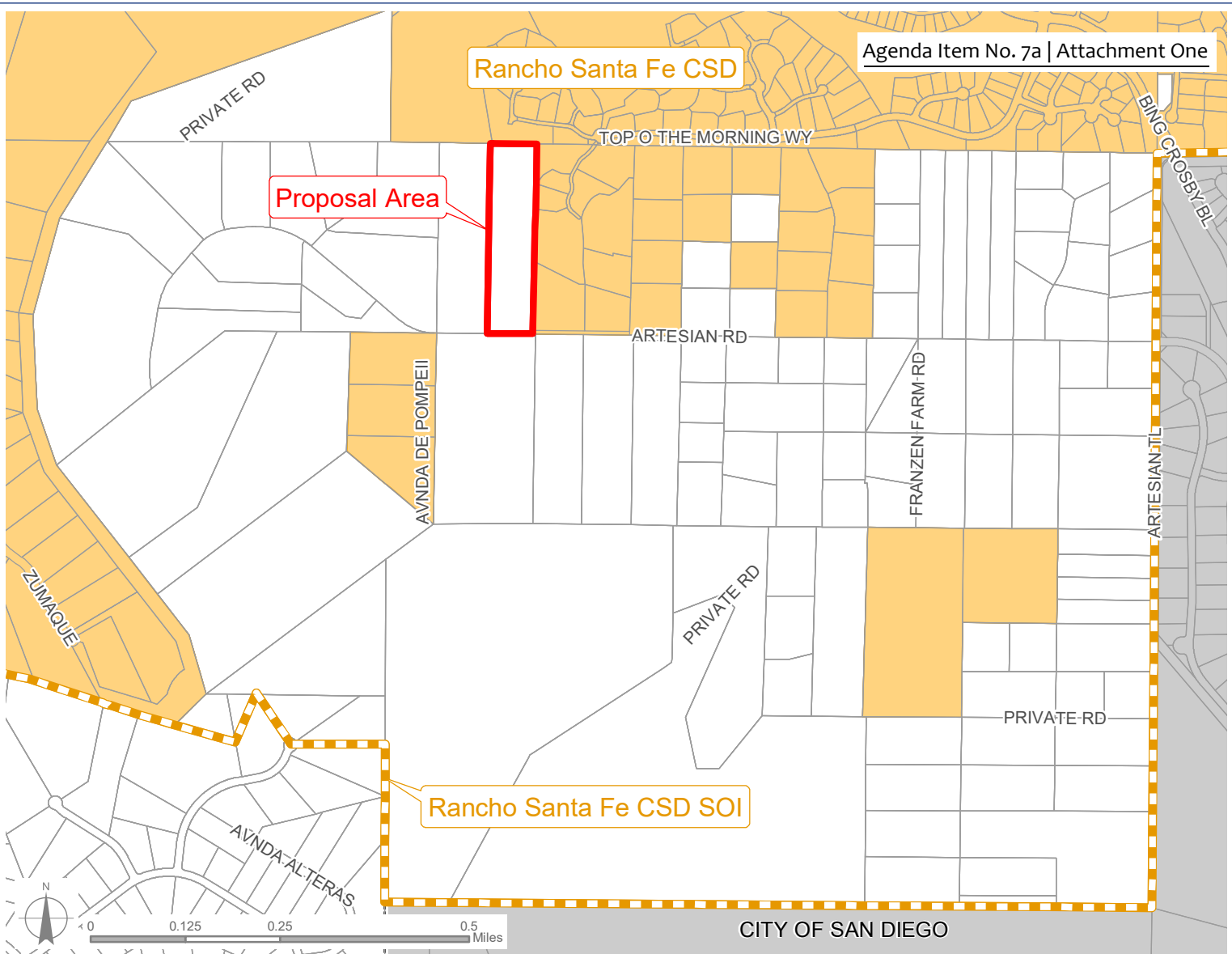
- r) **Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.**

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 operation of a private septic system and the potential therein for failures.




Rancho Santa Fe CSD

Proposal Area

Rancho Santa Fe CSD SOI



CO22-02 "PASTRANA - ARTESIAN ROAD CHANGE OF ORGANIZATION" | ANNEXATION TO RANCHO SANTA FE CSD

-  Proposal Area
-  Rancho Santa Fe CSD
-  Rancho Santa Fe CSD SOI
- SOI = Sphere of Influence

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

**ADOPTION OF A NEGATIVE DECLARATION FOR THE
“PASTRANA-ARTESIAN ROAD CHANGE OF ORGANIZATION”
LAFCO FILE NO. CO22-02**

WHEREAS, on January 18, 2022, an interested landowner – Lin Su-Lu Pastrana – 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 10.0 acres of unincorporated territory to the Rancho Santa Fe Community Service District (CSD) and specific to public wastewater service; and

WHEREAS, the affected territory as proposed is currently undeveloped and identified by the County of San Diego Assessor’s Office as 267-145-02; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (“CEQA”) requires the Commission to consider the potential environmental impacts of the proposal prior to approving any jurisdictional changes under its authority; and

WHEREAS, in accordance with CEQA, Commission staff prepared an initial study for the proposal – otherwise referenced as the “project” – that concluded no significant effects on the environment will be generated and a negative declaration should be adopted; and

WHEREAS, a draft of the initial study prepared by Commission staff on the project was circulated and made available for public review on October 12, 2022; and

WHEREAS, a notice of intent to proceed with the adoption of a negative declaration for the project was issued on November 8, 2022 and identified November 28, 2022 as the period ending for the public and public agencies having jurisdiction and/or interest in the project; and

WHEREAS, written comments received on the notice of intent have been reviewed by Commission staff and support proceeding with the negative declaration.

NOW, THEREFORE BE IT RESOLVED

1. The Commission finds the facts set forth in the preceding recitals are true and correct and establish the factual basis for the Commission in adopting this resolution.
2. The Commission has reviewed the final initial study prepared for the project.

3. After reviewing the initial study as well as all written and verbal comments on the initial study and notice of intention, the Commission independently finds there is no substantial evidence that the project as analyzed in the initial study will have a significant effect on the environment.
4. The Commission – and in its role as lead agency – ADOPTS a negative declaration for the project.

**

PASSED AND ADOPTED by the Commission on February 6, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“PASTRANA-ARTESIAN ROAD CHANGE OF ORGANIZATION”
ANNEXATION TO RANCHO SANTA FE CSD
LAFCO FILE NO. CO22-02**

WHEREAS, on January 18, 2022, interested landowner – Lin Su-Lu Pastrana – 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 10.0 acres of unincorporated territory within Rancho Santa Fe to the Rancho Santa Fe Community Service District(CSD) and specific to public wastewater service; and

WHEREAS, the affected territory as proposed is currently vacant and undeveloped and identified by the County of San Diego Assessor’s Office as 267-145-02; and

WHEREAS, the affected territory lies entirely within the existing sphere of influence established for the Rancho Santa Fe CSD and its wastewater function; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated December 2, 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 December 5, 2022 and continued to February 6, 2023; 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) and separately adopted a preceding negative declaration for this proposal.
4. The Commission APPROVES the change of organization without modifications as described below and subject to conditions as provided. Approval involves all of the following:
 - a) Annexation of the affected territory to the Rancho Santa Fe CSD as shown in "Exhibit A-1" and described in "Exhibit A-2."
 - b) Approval is specific only to Rancho Santa Fe CSD's wastewater function; all other activated CSD functions are expressly omitted from this approval.
5. The Commission CONDITIONS all approvals on the following terms being satisfied by February 6, 2023 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 the County of San Diego-Clerk Recorder in the amount of \$2,480.25 on behalf of the Department of Fish and Wildlife to process the negative declaration.
 - 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 the State Board of Equalization for processing fees in the amount of \$500.00.
6. The Commission assigns the proposal the following short-term designation:
"Pastrana-Artesian Road 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 Rancho Santa Fe Community Service District is a registered-voter district.
10. The Rancho Santa Fe Community Service 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 Rancho Santa Fe Community Service 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 February 6, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

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EXHIBIT A-2
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: Annexation into the Rancho Santa Fe C.S.D. of APN

276-145-02.

2. The reason(s) for the proposal are: For sewer utilities.

Lin Su-Lu Pastrana

Proponent's Name (print)



Signature of proponent or representative

Vacant Lot, Artesian Road

Proponent's Address

San Diego, CA 92127

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: Annexation into the Rancho Santa Fe C.S.D.

(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: _____

(d) The reason(s) for the proposal is/are: for sewer utilities.

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

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

1. _____
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) 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) 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: NA

2. The proposed name(s) of the new district(s) is/are: NA

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: NA

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: NA

Part IVa: REGISTERED VOTER 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 registered voter within the County of San Diego.
- I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertained.

Name of Signer	Residence Address	Date Signed	Official Use
Sign _____ Print NA _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

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>Lin Su Lu Pastrana</i></u> Print <u>Lin Su Lu Pastrana</u>	267-145-02	07/14/22	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



January 23, 2023

Sent via email: Carolanne.Ieromnimon@sdcounty.ca.gov

San Diego County
Local Agency Formation Commission (LAFCO)
Attn. Carolanne Ieromnimon
2550 Fifth Avenue, Suite 725
San Diego, CA 92103-6624

Re: Proposed “Pastrana-Artesian Road Change of Organization”, Annexation to Rancho Santa Fe CSD (LAFCO File No. CO22-02)

Dear Ms. Ieromnimon,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian tribe and sovereign government. Thank you for meeting with the Tribe virtually on December 21, 2022, to discuss the above-mentioned project.

As discussed throughout our meeting, the Tribal Historic Preservation Office (THPO) has the following comments:

The Tribe received a letter from LAFCO on November 8, 2022 stating this notification was “[c]onsistent with the tribal consultation process outlined in Assembly Bill 52, [and] LAFCO is advising all recipients of this memorandum of the preparation of the draft initial study and opportunity to request consultation to discuss the project and potential effects to tribal cultural resources.” However, as the THPO identified when further reviewing the letter, within the notification was a link to the Draft Initial Study indicating that it had already been published and the public review period would end on Friday, December 2, 2022. LAFCO’s letter was therefore neither a AB 52 Consultation nor a Notice of Preparation. This was a Notice of Availability for the IS and should have been identified as such.

Again, the THPO would like to reiterate that per California Code, Public Resources Code - PRC § 21080.3.1

- (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources.*
- (b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and [...]*

Further, PRC 21080.3.1(b) also states that consultation "means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values...". This, of course, explicitly includes Tribes, as it further explains under that PRC.

The Rincon Band requested consultation on December 2, 2022, and a virtual meeting was conducted on December 21, 2022. In our meeting the Tribe voiced concerns regarding LAFCO's workflow as it is inconsistent with CEQA (California Environmental Quality Act) regulations.

Although the Tribe has no comments specifically regarding the **Pastrana-Artesian Road Change of Organization**, we are concerned that due to lack of understanding of CEQA, LAFCO will continue deviating from CEQA processes and consequently deprive Tribes of their legally provided opportunities to fully engage in consultation on projects.

The Rincon Band would like to have further discussions, how LAFCO will address the Tribe's concern.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 or via electronic mail at cmadrigal@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager



Keene Simonds
Executive Officer

**SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION**

2550 Fifth Avenue, Suite 725
San Diego, California 92123
www.sdlafco.org
lafco@sdcounty.ca.gov
619-321-3380

October 12, 2022
- Draft Circulated

November 28, 2022
- Final Version

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
Disclosure of Potential Impacts**

1. Project Title: "Pastrana-Artesian Road Change of Organization"
LAFCO File No. CO22-02
2. Lead Agency: San Diego LAFCO
2550 Fifth Avenue, Suite 725, San Diego CA 92103
619-321-3380
3. Contact Person: Carol Ieromnimon, Analyst I
carolanne.ieromnimon@sdcounty.ca.gov
4. Location: The project site is parcel specific and identified by the County of San Diego Assessor's Office as 267-145-02. The project site is approximately 10.0 acres in size and located in west-central San Diego County within the unincorporated community of Rancho Santa Fe. It is located on the northern frontage of Artesian Road.
5. Applicant: Lin Su-Lu Pastrana
c/o Patrick de la Torre
Bill Yen & Associates, Inc.

13071 Poway Road
Poway, California 92064
619-971-0277

6. General Plan Designation: Semi-Rural Residential – 2
- one dwelling unit per 2.0 acres
 - community plan is San Dieguito
7. Zoning Standard: Rural Residential
- minimum lot size is 2.0 acres
 - building type is single-family detached
 - maximum building height is 35 feet/2 stories
8. Description: The project involves the proposed annexation of one unincorporated and undeveloped parcel (APN 267-145-02) to the Rancho Santa Fe Community Services District (CSD). The project purpose as a whole is to authorize the extension of public wastewater service to the subject parcel and in doing so facilitate the probable future development. Although no development plans currently exist, it is reasonable to assume for the purpose of this initial study the project will accommodate a minor four-lot residential subdivision with allowances for roads and related dedications consistent with its current zoning standard. All other public services needed to support a minor subdivision are already authorized within the project site and include placement within the existing boundaries of the Rancho Santa Fe Fire Protection District (FPD) and Olivenhain Municipal Water District (MWD).
9. Surrounding Setting: Land uses surrounding the project site to the west, north, and east are predominately rural residential with estate homes and some limited agriculture and/or equestrian uses. More intensive single-family residential uses and related improvements – including an 18-hole golf course – are located to the immediate northeast and involve a series of subdivisions associated with the Crosby Club. Unimproved open space lands consisting primarily of coastal sage lies to the south of the project site. The project site is located 1.5 miles southeast of Del Dios Highway and 4.9 miles from Interstate 15.
10. Other Agency Approvals: A separate approval from Rancho Santa Fe CSD is required to provide actual wastewater service to the project site. Future development of the project site – including ancillary permits – would be subject to separate approval actions by the County of San Diego.

11. Tribal Consultation: No California Native American tribes affiliated with the project site has requested consultation with LAFCO per Public Resources Code Section 21080.3.1
12. Site Visits: LAFCO staff performed site visits on September 1, 2022 and September 20, 2022.



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

- | | |
|-------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural + Forest Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Nothing further is required.



01/26/2023

Signature

Date

Carolanne Jeromnimon

Print Name

Analyst I

Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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1. AESTHETICS.

Would the project:

a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings in a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), and (c): no impact

The annexation and extension of public wastewater service to the project site is not expected to substantively impact scenic vistas, scenic resources, or visual character either directly, indirectly, or cumulatively. Specifically, while the existing undeveloped use of the project site and its otherwise natural setting could be considered a scenic vista, the extension of the public wastewater system would not in-and-of-itself substantively alter existing visual aesthetics. The project site is not located along and/or visible from any registered scenic highways, routes, or corridors, and all trenching associated with the extension of the wastewater system. Any future development indirectly facilitated by the project is subject to conforming to the adopted land use policies of the County of San Diego, which assigns a common residential zoning standard for the project site and surrounding areas and helps to ensure consistent visual character. These preceding factors sufficiently inform a no-impact determination.

(d): less than significant impact

The annexation and extension of public wastewater service to the project site may create new sources of light and glare impacting day and nighttime views. This would include temporary lights and glares directly associated with construction/trenching necessary to extend the public wastewater system by approximately 1,000 feet to the project site. Additionally, indirect impacts associated with ongoing lights and glares would be associated with the possible future development of the project site to include up to four single-family residences as contemplated under County of San Diego zoning. However, both temporary and ongoing impacts associated with the project are expected to be de minimis given existing mitigation and related policies established by the County and similarly moot cumulative effects. This includes compliance with the County's Light Pollution Code, which establishes evaluation standards to mitigate light and glare impacts as part of the permitting process that would apply to both the temporary and ongoing project aspects. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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2. AGRICULTURE + FORESTRY RESOURCES:

Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared per the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with zoning for agricultural use or Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning, or cause rezoning of, forest land, timberland, or Timberland Production zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in loss or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): less than significant impact

The potential future development associated with the annexation and extension of public wastewater service to the project site would presumably involve the conversion of approximately 1.0 acres of prime farmland to non-agricultural uses based on existing mapping by the California Resources Agency. This indirect potential loss – however – is only notional given no existing agricultural uses exist within the project site. The non-contiguous placement of the mapped prime farmland in the project site also suggests opportunities for future agricultural production is limited. These preceding factors similarly

apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b), (c), (d), and (e): no impact

The annexation and extension of public wastewater service to the project site does not conflict with zoning, agricultural contracts, and/or forest and timberland resources. The project site is zoned by the County of San Diego as Rural Residential, which is not considered an agricultural zone. The project site is also not under an existing Williamson Act contract nor contains any forest lands or timberland as defined under the corresponding statutes. These preceding factors sufficiently inform a no-impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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3. AIR QUALITY

Would the project:

a. Conflict or obstruct implementation of applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of a pollutant where the project region is non-attainment under federal or state air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): no impact

The annexation and extension of public wastewater service to the project site is not expected to generate any conflicts with the San Diego Regional Air Quality Strategy or State Implementation Plan either directly, indirectly, or cumulatively. Pertinently, should the project evolve to facilitate the future development of the project site as contemplated under County of San Diego zoning, the managed collection of wastewater by Rancho Santa Fe CSD serves as a superior alternative to an onsite septic system with regard to protecting against airborne pollutants and related odors. These preceding factors sufficiently inform a no-impact determination.

(b), (c) and (d): less than significant impact

The annexation and extension of public wastewater service and presumable role thereafter in aiding future development of the project site is expected to indirectly introduce new sensitive receptors, emissions, and odors. New sensitive receptors tie to the probable future construction of four new single-family residences as contemplated under existing County of San Diego zoning and residency therein of certain at-risk populations, such as children and elderly. This includes emissions generated through the construction and

residential use of the project site via additional vehicle miles traveled (construction workers, residents, etc.) Relatedly, objectionable odors – ranging from ammonia and carbon dioxide – may also be generated. The potential introduction of these new airborne pollutants would impact San Diego County given its present non-attainment status under the California Ambient Air Quality Standard involving ozone (excessive 1-hour concentrations) and particulate matter (excessive 24-hour concentrations). The introduction of these airborne pollutants – however – is expected to be de minimis given the relatively limited scale of the project paired with existing mitigation protections – such as the County Grading Ordinance. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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4. BIOLOGICAL RESOURCES

Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by California Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by California Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (through direct removal, filling, hydrological interruption, or other means)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), (d), (e), and (f): less than significant impact

The annexation and extension of public wastewater service and presumable role thereafter in aiding future development of the project site is expected to generate indirect impacts on local biological resources. This includes the potential loss and/or disturbance should development proceed of coastal sage scrub and oak woodland, which are located within the project site and considered sensitive species in San Diego County. Additionally, while the project site does not include riparian habitat, it does comprise a small amount of non-native grassland, which is considered a sensitive natural community by the County, Fish and Game, and Fish and Wildlife. Possible – but not necessarily probable – indirect impacts could also emerge in terms of compliance with various adopted habitat conservation plans applicable to the subject parcel and headlined by the County of San Diego's Multiple Species Conservation Program as well as its Biological Mitigation and Resource Protection Ordinances. These applicable plans paired with the relatively limited development potential of the project site – notably – helps to ensure impacts on biological resources would be mitigated and/or avoided. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(c): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not affect – wetlands directly, indirectly, or cumulatively – given none presently exist. These preceding factors sufficiently inform a no-impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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5. CULTURAL RESOURCES

Would the project:

- | | | | | |
|------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cause a substantial adverse change in the significance of historical resources per Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of archaeological resources per Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Disturb any human remains, including those interred outside of formal cemeteries. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), and (c): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not affect – directly, indirectly, or cumulatively – any known historical or archaeological resources as defined. None of these resources are registered and/or known to exist within the project site. There is also no evidence suggesting human remains are interred within the project site. These preceding factors sufficiently inform a no-impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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6. ENERGY

Would the project:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary energy resource consumption, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a) and (b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is not expected to generate impacts – directly, indirectly, or cumulatively – tied to unwise energy uses and/or conflict with related State or local plans. The extension of the public wastewater system to the project site will utilize gravity in conveying flows into the collection system and would not require the operation of a pump station. The potential construction of up to four single-family residences as contemplated under County of San Diego zoning is not expected to generate comparatively high energy uses and will be subject to complying with all current State and local energy saving requirements – including, but not limited to – solar panels and low-flush toilets consistent with the County's Building Energy Efficiency Standards. These preceding factors sufficiently inform a no-impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7. GEOLOGY AND SOILS				
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map or based on other evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse on-or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for disposing wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a – i, ii, iii, iv), (b), (c), (d), (e), and (f): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is not expected to generate and/or incur impacts involving local geology or soils either directly, indirectly, or cumulatively. The project site is not located in a known earthquake fault under the Alquist - Priolo Earthquake Fault Zoning Map, and there is no evidence otherwise of a known fault. The project site is not within "Potential Liquefaction Area" based on the County of San Diego Guidelines for Determining Geological Hazards. Should any development be proposed in the future, County Code requires a soils compaction report to be prepared before the issuance of a building permit to ensure a safe/stable foundation and protection from landslide or excessive settling. Nonetheless, the project site's soils are identified as Olivenhain Sandy Loan with a soil erosion rating of "slight" and considered stable. Any grading associated with a future project would also be subject to a permit to ensure best practices to protect against topsoil losses. Public wastewater service would be made available from Rancho Santa Fe CSD as part of the project. No evidence exists of a unique paleontological resource, site, or geological feature in the project site. These preceding factors sufficiently inform a no-impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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8. GREENHOUSE GAS EMISSIONS

Would the project:

- a. Generate greenhouse gas emission, directly or indirectly, that may have a significant impact?

- b. Conflict with a adopted plan, policy or regulation for the purpose of reducing greenhouse emissions?

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a) and (b): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is expected to generate new greenhouse gas emissions through additional vehicle miles traveled. These new emissions would be generated principally through the indirect net addition of four single-family residences above existing conditions per County of San Diego zoning. In September 2022, the County adopted a transportation study guide in assessing vehicle miles traveled and associated greenhouse gas emissions that includes establishing evaluation thresholds where certain projects can be presumed to generate less than significant impacts. One of these exception thresholds involves projects involving up to 11 single family homes based on the presumption of generating less than 110 average daily trips – or 10 per house per day. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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9. HAZARDS & HAZARDOUS MATERIALS

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), (c), (d), and (e): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is not expected to generate impacts involving hazards and/or hazardous materials either directly, indirectly, or cumulatively. No aspect of the project involves the storage, use, transport, emission, or disposal of hazardous substances. No existing structures would be demolished as part of the project. No schools – existing or proposed – are located within a quarter mile. The project site is not registered with any database of the State or County of San Diego with respect to listing hazardous materials. The project site is not under the jurisdiction of an airport land use compatibility plan. These preceding factors sufficiently inform a no-impact determination.

(f) and (g): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would potentially generate impacts involving emergency response plans/efforts as well as exposing lives and structures to wildland fires. These impacts are indirect and tie to the potential development of the project site and the net addition of four new single-family residences as contemplated under County of San Diego zoning and subject thereafter to the County's Operation Area Emergency Plan. This plan was updated in 2018 defines responsibilities between the County and all 18 cities in responding to major emergencies and disasters. The project site is adjacent to wildlands as mapped by the County and have the potential therein to expose any future development (structures and lives) to wildfire events. The potential for losses – however – is considered de minimis given the project site is already in the Rancho Santa Fe FPD and recipient of elevated fire protection and emergency medical response. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
10. HYDROLOGY & WATER QUALITY				
Would the project:				
a. Violate any water quality standards or waste discharge requirements or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner resulting in flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drain system or provide substantial sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), and (c – i, ii, iii): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would potentially generate impacts involving hydrology and water quality. These potential impacts would be indirect and tie to the presumed development and ongoing use of four single-family residences as contemplated under County of San Diego zoning, which would create new surface flows and/or patterns through grading, landscaping, and impervious surfaces. These new flows and/or patterns could result in polluted runoff. The establishment of impervious surfaces could similarly impact groundwater recharge as well as soil erosion. Existing mitigation and related policies through the County of San Diego – however – reasonably ensure most of these potential impacts would be avoided or substantively limited. This includes the County requiring all approved subdivisions to control runoff and related pollutants through a project-specific stormwater management plan to show compliance with the County's National Pollutant Discharge Elimination System or NPDES permit. Additionally, any future development within the project site will obtain its water service from the Olivenhain MWD with supplies entirely drawn from surface resources and not groundwater. The project site is also outside of any adjudicated or at-risk groundwater basin identified by the Department of Water Resources. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(c – iv) and (d): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is not expected to alter flood water or become susceptible or otherwise effected by a seiche, tsunami, or mudflow. The project site is not located within a mapped flood zone. The project site is also more than a mile away from the ocean and away from lakes or reservoirs. The project site is not within a landslide susceptibility zone. These factors inform a no-impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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11. LAND USE PLANNING

Would the project:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|---|
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |
| b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ■ |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a future development plan. With this context in mind, the following statements apply.

(a) and (b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site is contemplated under County of San Diego General Plan and Zoning Ordinance. No conflicts are identified in the San Dieguito Community Plan. These preceding factors sufficiently inform a no-impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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12. MINERAL RESOURCES

Would the project:

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may impact local mineral resources. The project site has been classified by the California Department of Conservation – Mines and Geology as “Potential Mineral Resources Significant” (MRZ-3). This classification suggests indirect impacts tied to developing the project site as contemplated under County of San Diego zoning resulting in the loss of known mineral deposits that may qualify as mineral resources. However, the project site’s size and location next to existing residential and agricultural uses substantively negates a compatibility finding necessary for the County to approve a future mining activity. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not conflict – directly, indirectly, or cumulatively – with adopted local plans with respect to protecting locally important resource recovery sites. The project site is zoned Rural Residential by the County of San Diego, which does not contemplate extractive uses. The project site also is not assigned with an extractive land use overlay zone. These preceding factors sufficiently inform a no impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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13. NOISE

Would the project result in:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. For a project within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a) and (b): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may generate impacts – directly and indirect – involving ambient and ground borne noises. However, these impacts are not expected to be substantial or excessive given the relatively limited scale of wastewater extension and possible development (i.e., up to four single family residences) paired with the reasonable expectation of complying with existing mitigation and related policies established by the County of San Diego. This includes County General Plan – Noise Element Policy 4b specifying all construction projects to limit noise impacts to no more than 60 decibels over a one-hour average. Similarly, and with respect to ongoing use, the project site's zoning standard – Rural Residential – prescribes maximum noise limits over one-hour averages to 50 decibels between 7:00 AM and 10:00 PM and 45 decibels between 10:00 PM

to 7:00 AM. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not conflict airport activities. The project site is not located within with airport land use compatibility plan or within two miles of a public or public use airport. These factors sufficiently inform a no impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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14. POPULATION AND HOUSING

Would the project:

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|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Induce substantial growth in an area, either directly or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may indirectly induce additional growth in the area. This additional growth ties to the project's approximate 1,000-foot extension of Rancho Santa Fe CSD's public wastewater system, which proportionally reduces infrastructure costs for other landowners to consider proceeding with their own future annexation proposals. The additional growth indirectly aided by the project – however – would not be considered substantial given the limited number of properties in the area that are also in Rancho Santa FE's sphere that are currently without wastewater service. Further, no aspect of this project changes the County of San Diego's existing zoning in the area of Rural Residential and its 2.0-acre minimum lot size. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not create any displacement – directly, indirectly, or cumulatively – of housing units and/or people. The project site is entirely undeveloped with no known residents. These factors sufficiently inform a no impact determination.

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Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), (c), (d), and (e): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may result in impacts on existing general tax supported public service levels within the affected area involving fire, police, schools, and parks. These impacts would be indirect and tie to the potential net addition of four single-family residences and their occupants within the project site as allowed under County of San Diego zoning. The magnitude of the impacts – however – would not be considered substantial relative to current service demands versus available resources among the affected providers: Rancho Santa Fe FPD (fire protection); County (police and parks); and San Dieguito Union High and Solana Beach Elementary (schools). The project is not expected to generate the need to construct new and/or physically alter these agencies' facilities. Further, all listed agencies

would have the opportunity to provide comments and/or approval terms to the County should a future development for the project site proceed. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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16. RECREATION

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may indirectly generate additional demands on existing neighborhood and regional park/recreational sites. These impacts tie to the potential net addition of four single-family residences and their occupants within the project site as allowed under County of San Diego zoning. The magnitude of the impacts – however – is not expected to produce substantial physical deterioration of the park/recreation site given the relatively low usage that could be reasonable tied to the project sites development. Further, additional mitigations already exist to address cumulative impacts on park/recreation sites associated with the project and ties to the County’s Park Land Dedication Ordinance and requirement therein for all developers to proportionally contribute towards the acquisition, planning, and development of local parkland and recreation facilities within the unincorporated areas. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site would not involve the construction or expansion of recreational facilities either directly, indirectly, or cumulatively. The project site is zoned Rural Residential by the County of San Diego, which does not accommodate construction or use of public and/or commercial recreational facilities. These preceding factors sufficiently inform a no impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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17. TRANSPORTATION

Would the project:

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict or be inconsistent with CEQA Guidelines 15064.3(b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially increase hazards due to a design feature or incompatible uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may generate indirect transportation related impacts. These impacts tie to the presumed net future addition of four new single-family residences on the project site as contemplated under the County of San Diego zoning. These associated impacts – however – are expected to be relatively modest and not expected to require additional CEQA screening based on current data published by SANDAG and related recommendations from the Office of Planning and Research (OPR). This screening avoidance relate to SANDAG categorizing the census tract comprising the subject parcel as a “Vehicle Miles Travelled Efficiency Area” given current average vehicle miles traveled (VMT) is up to 15% below the regional mean. This latter threshold by SANDAG correlates to a less than significant impact as advised by OPR. It is also reasonable this percentage will continue to decrease below the regional mean given the four single-family residences to be constructed in the project site will presumably be marketed towards upper-income households and benefit therein from proportionally more telework practices. These preceding factors

similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

(b), (c), and (d): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site does not create any direct, indirect, or cumulative transportation related conflicts or inconsistencies with State CEQA Guidelines. The above-referenced analysis from SANDAG utilized in considering potential impacts directly aligns with Guidelines Section 15064.3. The project is consistent with the County of San Diego General Plan and Zoning Ordinance and no information exists suggesting its implementation poses no hazards as it relates to incompatible uses, design, or emergency access. These preceding factors sufficiently inform a no impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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18. TRIBAL CULTURAL RESOURCES

Would the project:

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resource Code 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a Native American Tribe, and that is

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 5020.1 (k) or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code 5024.1(c) and significance therein to a California Tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a – i and ii): no impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site does not create any direct, indirect, or cumulative changes to a resource deemed significant to a California Native American Tribe. The project site is not listed on a related registry with the California Register of Historical Resources (via South Coastal Information Center) or the County of San Diego Historic Board. There are no structures or other known features within the project site that would be

eligible for listing in these registers. These preceding factors sufficiently inform a no impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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19. UTILITIES & SERVICE SYSTEMS

Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future developments in normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), (c), (d), and (e): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may generate impacts on local utilities and municipal services. These impacts tie to the presumed net future addition of four new single-family residences on the project site as contemplated under County of San Diego zoning. This includes a direct project impact of extending Rancho Santa Fe CSD wastewater system by approximately 1,000 feet to receive flows from the project site. This expansion is deemed relatively modest. Further, the estimated wastewater flow generated within the project site at its presumed development would equal a daily average of 1,200 gallons and represents less than 0.0039% of the capacity available to Rancho Santa Fe CSD. Indirect impacts on utilities and services are similarly deemed relatively modest given existing County mitigation and procedures to ensure appropriate capacities – whether in the form of water supplies, storm drainage controls, and solid waste collection – are available at the time of an actual development plan is proposed. This includes soliciting a will-serve letter from Olivenhain MWD as a condition to any approvals. None of the local utility/service providers – Rancho Santa Fe CSD, Olivenhain MWD, and EDCO via contract with the County – currently operate with enforcement orders from their respective State regulatory body (Resources Control Board, Water Board, and CalRecycle). These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Request the installation or maintenance of related infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), (c), and (d): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site may generate impacts on local utilities and municipal services. These impacts would be indirect and tie to the presumed net future addition of four new single-family residences and associated occupants on the project site as contemplated under County of San Diego zoning and within a State Responsibility Area. The project site is also within one mile to the east, north, and west by "Very High Fire Hazard Severity Zone" as mapped by the County. These physical characteristics expose any future development to additional fire risks.

However, the project site presently receives an elevated level of fire protection and related emergency response services from Rancho Santa Fe FPD, and they would be given the opportunity to comment and/or require related mitigation should a development application proceed to be filed with the County. County Building Code also provides substantive mitigation and includes all exterior walls would require a 1-hour rated firewall as well as all buildings being fully sprinkled. The project site also has existing exit roadways to the west, north, and east. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less-Than-Significant Impact	No Impact
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21. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Analysis:

The proposed project involves the annexation of an undeveloped parcel to Rancho Santa Fe CSD for the purpose of making available public wastewater service and in doing so, accommodate a probable future development plan. With this context in mind, the following statements apply.

(a), (b), and (c): less than significant impact

The annexation and extension of public wastewater service and possible facilitation of future development of the project site does not create significant impacts on fish, wildlife, animals, and/or historical resources, whether directly, indirectly, or cumulatively. This statement is supported by the analysis provided in Sections 4, 5, and 18 of this initial study and consideration of biological, cultural, and native tribe resources, respectively. Similarly, the analysis provided through Sections 1 through 20 of this initial study did not identify any significant cumulative impacts. Direct and indirect impacts on human beings have been separately identified throughout this initial study and marked by Sections 1, 3, 8, 20 and related consideration of aesthetics, air quality, greenhouse gas emissions, and wildfires, respectively.

None of the identified impacts on humans – however – are considered significant. These preceding factors similarly apply to cumulative effects and sufficiently inform a less-than-significant impact determination.

REFERENCES

Section 1: Aesthetics

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www.leginfo.ca.gov

California Department of Transportation (Caltrans)
California Scenic Highway Program
Official Registry
www.dot.ca.gov
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Table COS-1 County Scenic Highway System
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County of San Diego
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www.sandiegocounty.gov/pds

County of San Diego
Planning and Development Services
Light Pollution Code – San Diego County Code, Title Five, Ch 2
www.sandiegocounty.gov/pds

Section 2: Agricultural and Forestry Resources

California Natural Resources Agency
California Department of Conservation
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Section 3: Air Quality

California Air Resources Board
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State Strategy for Implementation Plan, 2022
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Office of Historic Preservation
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Conservation and Open Space Element
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County of San Diego
Planning and Development Services
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County of San Diego
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Section 7: Geology and Soils

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County of San Diego
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www.sandiegocounty.gov/pds

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State of California
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County of San Diego
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County of San Diego
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Section 15: Public Services

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Section 16: Recreation

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Office the State Fire Marshall
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www.sandiegocounty.gov/pds



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

7b

AGENDA REPORT
 Business | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Mumpower, Analyst II

SUBJECT: Proposed Policy Update on Municipal Service Reviews

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving a policy update guiding municipal service review activities. The proposed update returns to the Commission substantively intact following its draft presentation in October 2022 and subsequent public review and comment period. The update is part of the adopted workplan and represents a comprehensive revision to reflect current and best practices. This includes making explicit the sequential role of the municipal service review in determining the appropriateness of proceeding with subsequent sphere of influence changes. Establishing community engagement measures are also reflected and done so at the earlier direction of the Commission. Staff recommends the Commission approve the proposed policy update with any identified changes along with setting the effective to April 6, 2023.

BACKGROUND

Current Policy on Municipal Service Reviews

San Diego LAFCO’s “Strategy for Conducting and Using Municipal Service Reviews” policy (Legislative Policy No. 6 or “L-106”) was adopted by the Commission in April 2003 with technical revisions subsequently approved in August 2008 and June 2015. The existing policy focuses on outlining procedures and related process expectations in the preparation of municipal service reviews. This includes provisions outlining criteria in developing scopes of work, deferral procedures, and prescribing levels of inquiry.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org lafco@sdccounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solona Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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A copy of the current policy is provided as Attachment One.

Current Workplan & Direction to Prepare Policy Update

San Diego LAFCO's current workplan was adopted at a noticed public hearing in June 2022 and includes 30 specific projects for the fiscal year. One of the workplan projects involves an update to the Commission's policies governing municipal service reviews with related direction to staff to incorporate current and best practices. The Commission also directed staff to consider community engagement measures as part of the update.

DISCUSSION

This item is for San Diego LAFCO to consider approving a formal policy update on L-106 to guide the scheduling, preparation, and approval of municipal service reviews. A summary of the key features of the proposed policy as well as revisions incorporated following the draft presentation in October 2022 and subsequent public review period follows.

Key Policy Features

- Make explicit the role of municipal service reviews in informing other regulatory and planning activities. Specific citations include:
 - Guide the scope of any subsequent sphere of influence updates.
 - Guide consideration of subsequent jurisdictional changes over next 60-month period.
 - Serve as the document of record in regulating district service functions and classes.
- Require new municipal service reviews to be prepared before considering proposals requiring conforming sphere of influence amendments if the subject agencies have not been evaluated over preceding 60-month period unless waived.
- Maintain a five-year study schedule calendaring municipal service reviews and draw on this document in initiating specific studies through the annual workplan process.
- Delegate full responsibility to preparing municipal service reviews – including establishing scopes of work – to the Executive Officer.
- Establish baseline community engagement standards marked by LAFCO staff attending no less than one public meeting for each subject agency to directly advise the council/board and their constituents of the municipal service review project.
- Encourage additional community engagement measures to be taken on a case-by-case basis – including, but not limited to – holding workshops, surveys, etc.

Revisions Post Public Review

As referenced, San Diego LAFCO staff proceeded to initiate a formal 45-day public review and comment period on the draft update following its presentation to the Commission in October 2022. Staff also made presentations to the Commission's Cities and Special Districts Advisory Committees. These collective measures generated good discussions with one formal written comment from Valley Center Municipal Water District requesting additional guidance and related latitude on waivers to allow sphere amendments to proceed when the affected agency's last municipal service review is more than five years old. Staff agrees with this comment and has added specific waiver examples to match provisions provided in the Commission's separate policy on sphere of influence actions ("L-102"). Most notably, this includes waiver examples to address a documented public health threat as well as to accommodate a reorganization where all affected agencies are agreeable to proceeding with coterminous amendments. (An example of the latter waiver applies to the proposed "Weston Clean Up Reorganization" scheduled for consideration as No. 6a.)

A copy of the proposed update with track changes reflecting revisions post the draft presentation in October is provided as Attachment Two.

ANALYSIS

The proposed update before San Diego LAFCO represents a comprehensive revision to the existing policy on municipal service reviews that has remained substantively intact since its adoption in 2003. The proposed update draws on 20 years of subsequent LAFCO practice and appropriately transitions the focus of the policy from outlining processes and procedures to prescribing goals and outcomes with the latter highlighted by directly informing subsequently sphere of influence changes. (This highlighted provision is opposite the earlier practice developed from the current policy where proposed sphere amendments have informed the need and scope of municipal service reviews.) Processes and procedures – including establishing scope of work on individual municipal service reviews – are relatedly delegated to the Executive Officer as part of the proposed update. Establishing community engagement standards also marks the update and serves as entry points to an otherwise overlooked detail with the goal of improving LAFCO's assessment of resident service needs in real time.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed update to the Commission's policies on municipal service reviews for reasons detailed in the preceding section. This recommendation is consistent with Alternative One outlined in the preceding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Approve the proposed policy update to L-106 as provided as Attachment One with any desired changes and set the effective date for 60-days.

Alternative Two:

Continue consideration of the item to a future meeting and provide direction to staff for additional information as needed.

Alternative Three:

Take no action.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action as part of the business calendar. The following procedures are recommended in the consideration of this item:

- 1) Receive verbal presentation from staff unless waived.
- 2) Commission discussion.
- 3) Consideration of the staff recommendation.

On behalf of the Executive Officer,



Priscilla Mumpower
Analyst II

Attachments:

- 1) Current Policy on Municipal Service Reviews:
"Strategy for Conducting and Using Municipal Service Reviews" (L-106)
- 2) Proposed Update on Municipal Service Reviews:
"Municipal Service Reviews" (L-106)
- 3) Comment on Draft Update: Valley Center Municipal Water District

LEGISLATIVE POLICY L-106

Subject:

STRATEGY FOR CONDUCTING AND USING MUNICIPAL SERVICE REVIEWS

Purpose

To establish a framework that will assist the Local Agency Formation Commission in the timing, funding, and preparation of municipal service reviews, while maintaining a focus on the service review determinations specified in State Law (GC 56430).

Background

AB 2838 (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) requires Local Agency Formation Commissions to conduct countywide, regional, or sub-regional municipal service reviews either before, or in conjunction with the establishment or updates of spheres to help ensure the efficient provision of local governmental services. The process of information collection, data analysis, and development of the service review determinations requires a high level of participation and cooperation between San Diego LAFCO and local agencies.

Policy

It is the policy of the San Diego Local Agency Formation Commission to use the following six strategies to assist in the planning and preparation of municipal service reviews:

1. *Scope of Work:* In order to successfully manage the data collection and analysis processes and guide service reviews toward timely completion, each service review should have a well-defined scope of work that incorporates the following:
 - a. Develop and adhere to a realistic and manageable scope of work.
 - b. Define the services to be reviewed.
 - c. Identify unambiguous geographic boundaries for study areas.
 - d. Define the time period under review.
2. Defer review of services or service providers, which are marginally related to the pending service review, to subsequent service reviews, if necessary and appropriate. *Requests for Information:* Collection of data is dependent on the

cooperation and voluntary participation of local agencies. Requests for information should not represent an undue burden to local agencies and should be conducted in the following manner to maximize cooperation and participation levels:

- a. Discourage multiple requests for information unless there are compelling reasons.
 - b. Limit requests for information to matters that are essential to conduct the service review and relevant to the nine determinations required by Government Code § 56430.
3. *Service Review Time Frame*: Service reviews provide a snapshot view of service delivery issues and are not meant to be ongoing studies. The following approaches will enable service reviews to be conducted in the shortest amount of time:
- a. Develop a task and time schedule for each service review and adhere to it.
 - b. Confine data collection to the time period established under the scope of work unless there are compelling reasons to expand the time frame.
4. *Regional View*: Service reviews represent programmatic or macro-level information reports. The following approaches will reinforce the programmatic focus of service reviews:
- a. Adhere to the seven service review determinations in maintaining a programmatic view of service delivery.
 - b. Focus on service delivery programs, procedures, policies and rules, rather than individuals who may be involved in the service delivery programs.
 - c. Collect micro-level data only if necessary and if associated with programmatic aspects of service delivery.
5. *Level of Inquiry*: Multiple agencies may be involved with a service review. Individual agencies may be subject to different levels of review and inquiry based on the following:

- a. Allow for variation within the type and amount of information requested for each service review and from each local agency based on unique circumstances. Utilize the judgment of staff, commissioners, advisory committees, stakeholders, public and agencies, etc., to establish an appropriate level of inquiry and data collection.
 - b. Defer the collection of data that is marginally related to the pending service review to subsequent service reviews.
6. *Data Accuracy:* Accurate data is essential for making meaningful conclusions and determinations. In some cases, LAFCO staff may not be qualified to ascertain accuracy of data and will need to obtain outside assistance. In other instances, either raw data, or conclusions of service review may not be germane to LAFCO's purview of the service review determinations required by State Law. In order to maintain focus on accuracy and relevancy of data:
- a. Utilize LAFCO staff, the Commission's advisory committees, local service agencies, or other appropriate organizations to determine data accuracy and relevancy.
 - b. Refer service reviews to other regulatory agencies if data is determined to pertain to areas outside of LAFCO's purview or is not relevant to a pending service review.
 - c. Draft Municipal Service Reviews (MSR's) shall be provided to the affected agencies and public through direct mail or posting on the Commission website (www.sdlafco.org) for comment.

Adopted: April 7, 2003
 Technically
 Updated: August 25, 2008
 June 23, 2015

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Subject:

MUNICIPAL SERVICE REVIEWS

Purpose:

Serve as a framework to the Commission in conducting municipal service reviews with a commitment to community engagement.

Background:

The Commission is responsible under State law to inform all regular sphere of influence updates by conducting comprehensive studies on the availability, demand, and performance of local municipal services within the county, region, or subregion (Government Code Section 56430).

Policy:

It is the policy of the Commission:

1. Goals and Objectives:

- a) The Commission will use municipal service reviews as a principal resource to proactively inform future planning and regulatory actions under its purview and mission to facilitate orderly growth and development.
- b) The Commission will draw on the municipal service reviews to directly inform the appropriate scope and scale of sphere of influence updates performed for all local agencies under State law (Section 56425).
- d) The Commission will draw on the municipal service reviews to help inform proposed jurisdictional changes involving the affected agencies and/or territories over the proceeding 60-month period.
- e) The Commission will draw on recommendations in the municipal service reviews to initiate any related jurisdictional changes as allowed under State law (Section 56375).
- f) The Commission will use municipal service reviews in consultation with Rule No. 4 to establish, amend, and regulate the nature, location, and extent of any functions or class of services provided by individual special districts.
- g) As a general rule, the Commission will require a new municipal service review to be prepared before considering a proposal that necessitates one or more sphere of influence amendments where the subject agencies have not been evaluated in a study over the preceding 60-month period. Waivers may be considered - based on recommendations of the Executive Officer - on a case-by-case basis and/or under the following conditions:

- Public health or safety needs; for example, amending a jurisdiction's sphere to permit annexation of a parcel that requires public sewer service because of a failed septic system;
- Property under a single ownership split by a sphere if the split property shares characteristics including access, geography, communities of interest and the manner in which services will be provided;
- A reorganization involving two or more jurisdictions if the spheres are coterminous and each jurisdiction agrees to the sphere amendments and reorganization;
- If a city or special district can provide adequate documentation showing that conditions have significantly changed to warrant a sphere amendment.

2. Timing:

- a) The Commission will maintain a five-year study schedule for municipal service reviews to provide advance notice of timing to local agencies, the public, and other stakeholders as well as encourage project syncing whenever practical.
- b) The Commission will consult the five-year study schedule in initiating specific municipal service reviews through the annual workplan process.

3. Funding:

- a) The Commission will be responsible for funding municipal service reviews calendared in the five-year study schedule and subsequently added to adopted annual workplans.
- b) The Commission will collect maintenance fees on applicant proposals to proportionally contribute to the funding of future municipal service reviews.
- c) The applicants will be responsible for funding municipal service reviews undertaken outside the five-year study schedule and necessitated to accommodate proposed spheres of influence amendments.

4. Preparing:

- a) The Commission delegates responsibility to the Executive Officer to prepare municipal service reviews. This includes approving scopes of work and associated timelines in consultation with the subject agencies.

- b) The Executive Officer should consult with the Cities and Special Districts' Advisory Committees in establishing appropriate performance measures within the municipal service reviews.
- c) The Executive Officer shall prepare a written report on the municipal service review with recommendations and related determinative statements that address the factors required for consideration in statute (Section 56430(a)).

5. Community Engagement:

- a) The Commission will prioritize budgeting resources to accommodate proactive community engagement as part of the municipal service review process and as a direct means to identify community needs.
- b) The Commission tasks the Executive Officer to ensure the following baseline measures for community engagement are practiced in preparing municipal service reviews:
 - Staff shall establish a dedicated page on the LAFCO website to serve as an ongoing repository for key project materials in step with initiating new municipal service reviews.
 - Staff shall attend regularly scheduled public meetings for each subject agency to directly advise the council/board and their constituents of the initiation of municipal service reviews.
 - Staff shall regularly utilize social media accounts to timely disseminate information on municipal service reviews, and this includes translating posts as appropriate under the Commission's translation policy.
 - Staff will provide formal public review and comment periods of no less than 45 days between the draft and final presentations of municipal service reviews to the Commission.
- b) As appropriate, and as an enhancement to the above baseline measures, the Executive Officer should consider taking any of the following additional outreach efforts for initiated municipal service reviews:
 - Hold public workshops – especially with respect to engaging any disadvantaged and/or historically marginalized communities.
 - Conduct surveys within the affected communities to – and among other topics – help identify community needs.

- Solicit opportunities to make staff presentations to subject agencies and other organized stakeholders on the municipal service reviews to highlight and receive community input on key topics.

6. Commission Action:

- a) The Commission will consider all final municipal service reviews as part of scheduled public hearings that are noticed consistent with sphere of influence actions under State law (Section 56427).
- b) The Commission's consideration of final municipal service reviews will culminate with the following two completing actions:
 - Receive and file the written report on the municipal service review and in doing so attest the document provides sufficient information for the Commission to make informed decisions under statute.
 - Adopt a resolution making determinative statements that draw from the final municipal service review on all prescribed factors required under statute and local policy (Section 56430).

7. Post Commission Action:

- a) The Executive Officer will provide prompt written notice of completed municipal service reviews to all subject agencies with a request that the document be forwarded to the full council/board.
- b) The Executive Officer shall ensure posting of all completed municipal service reviews online as well as provide bounded copies to local libraries with a request they be added to the circulation catalog.

From: Gary Arant
Sent: Thursday, November 10, 2022 8:40 AM
To: Simonds,Keene
Cc: Smith, Oliver; 'Kim Thorner'
Subject: [External] Updated LAFCO MSR Policy

Keene;

I finally got a chance to look at the proposed updated LAFCO MSR Policy.

The main issue, or concern I have with this policy proposal is that, as I understand it, nothing can happen with a change in an agency's boundaries or services if it has not had a MSR done in the prior 60 months. While the law says an MSR will be done for each agency every five years, that has not always been the case. There have been times, in my recollection, where MSR's have gone longer than five years, due to resource constraints /work-load issues with LAFCO, and not due to the fault of the public agency. This could/would lead to a situation where a public agency cannot modify boundaries, or extend critical services or provide new, critical public services until the updated MSR is completed. What if the updated MSR is delayed 6 months, a year, or two?

In order for this policy to work effectively to provide timely and important public services, you would have to actually start and complete the new MSR process before the end of the five-year effective timeframe for the original MSR. In that way, the new MSR would be in effect when the authorization under the current MSR expires at the end of the original five year period. In this way there would be no lost time due the original MSR having expired. The other option would be to have a policy provision to allow limited changes in agency boundaries or services in a period beyond the 60-month timeframe if the delay in the MSR was associated with resource or workload constraints of LAFCO.

At the end of the day, we feel the public should not be denied critical services when there have been understandable resource-related delays in the MSR cycle.

Gary Arant

General Manager

Valley Center Municipal Water District

760-735-4515 - Direct

760-522-4024 - Cell

garant@valleycenterwater.org

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

7C

AGENDA REPORT
 Business | Action

February 6, 2023

TO: Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: Quarterly Report on Adopted Workplan & Proposed Amendments

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive a quarterly report on the adopted workplan for 2022-2023. Work through the second quarter shows exactly two-thirds of the 30 targeted projects for the fiscal year have been initiated in some substantive manner with one already complete and six others nearing their completion. The quarterly report is being presented to the Commission to discuss and provide feedback in step with formal filing. The Commission will also consider two related amendments that are headlined by the proposed addition of an informational report to evaluate governance options to expand the public’s recreational use of local reservoirs in unincorporated areas. This addition is consistent with an earlier request from Commissioners Anderson and Desmond and has the support of the City of San Diego Mayor’s Office. A matching amendment to remove an otherwise paused municipal service review is also proposed.

BACKGROUND

San Diego LAFCO’s current fiscal year workplan was adopted at a noticed public hearing held in June 2022. The workplan is multi-year planning tool that is developed and updated annually. The current workplan includes 30 projects and is divided into two distinct categories – statutory and administrative – along with priority assignments set by the Commission. No amendments to the workplan have been approved to date.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Chair Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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DISCUSSION

This item provides San Diego LAFCO with its quarterly update on accomplishing projects calendared in the adopted 2022-2023 workplan. The update tracks the Commission's progress through the close of the second quarter and confirms exactly two-thirds of all projects have been initiated in some substantive manner as detailed in Attachment One. This latter category is marked by seven projects that are either complete or nearing completion and include a municipal service review on the Escondido region (complete) and policy updates on out-of-agency services and municipal service review guidelines (near completion).

Additional discussion on priority projects that are expected to take additional focus in the third quarter follows along with detailing two related amendments.

Expected Focus in 3rd Quarter

LAFCO staff expects several projects will materially advance in the third quarter and most notably this includes three high-priority municipal service reviews covering the Oceanside, San Marcos, and Carlsbad regions. These resource-intensive projects have been earnestly underway for several months with the Oceanside region municipal service review likely to be presented first to the Commission in draft form as early as its April meeting. Staff separately expects completing the planned website redesign and satisfying meeting targets with the Cities and Special Districts Advisory Committees during the third quarter.

Proposed Amendments

LAFCO staff proposes two related amendments to the workplan. The primary amendment involves adding an informational report evaluating public recreational governance models to expand access and use of local water reservoirs in the unincorporated areas. The amendment follows a recent joint-request from Supervisors Anderson and Desmond for LAFCO to independently advise of potential governance-management opportunities involving several municipal reservoirs owned by the City of San Diego that are largely limited to water storage. If approved, staff would prepare the informational report and assess local governance options – such as possible special district (independent and dependent) and joint-power authority alternatives – at a macro level and for the principal intent of informing potential next steps, whether by LAFCO, County, San Diego or combination therein. Staff has consulted with the Mayor's Office and they support the amendment and approach as outlined. A corresponding amendment to remove a municipal service review on the Vista region that has otherwise been paused due to external factors is recommended.¹ Both proposed amendments are shown in track-change to the workplan as Attachment Two.

¹ The referenced external factors include the City of Vista's current vacancy and recruitment of a City Manager.

ANALYSIS

San Diego LAFCO is generally proceeding as planned in the workplan through the close of the second and start of the third quarter. This progression is headlined by 17 of the 20 high to moderate priority projects substantively underway with seven either complete or nearing their completion. Notwithstanding this overall progression, and due to high proposal activity, a number of projects in the moderate to low priority categories remain pending with several of these now expected to roll uninitiated into the next fiscal year. Prominent examples include the scheduled municipal service review of the County Water Authority and governance study on the Escondido region. The proposed amendments to the workplan as outlined in the preceding section counterbalance each other in terms of resource demands and provide a timely opportunity for LAFCO to address a topic for its own benefit while concurrently providing value to the County and City of San Diego.

RECOMMENDATION

It is recommended San Diego LAFCO discuss the item and provide feedback as appropriate along with approving the proposed amendments identified in the preceding section. This recommendation would be accommodated by taking the actions outlined in the preceding section as Alternative One.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

- (a) Discuss the item and provide feedback
- (b) Approve the amendments to the workplan as described above.

Alternative Two:

Continue consideration of the item and provide direction to staff as needed.

Alternate Three:

Take no action.

(continued)

PROCEDURES

This item has been placed on San Diego LAFCO's agenda for discussion with proposed actions as part of the business calendar. The following procedures apply.

- 1) Receive verbal report from staff unless waived.
- 2) Initial questions or request for clarifications.
- 3) Discuss item and consider the staff recommendation.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

- 1) 2022-2023 Workplan with Status Notations
- 2) 2022-2023 Workplan with Proposed Amendments (Track-Changes)
- 3) Joint Request by Commissioners Anderson and Desmond

ADOPTED WORKPLAN FOR FY2022-2023

Priority	Level	Type	Project	Description and Key Issues	Status
Ongoing	...	Statutory	Applicant Proposals and Requests	LAFCO will prioritize resources to address all applicant proposals and related requests	
Ongoing	...	Administrative	Targeted LAFCO Presentations	LAFCO will prioritize public outreach; emphasis on informing stakeholders ahead of MSR work	
Ongoing	...	Statutory	Workplan and Budget	LAFCO will approve a workplan and budget and preform quarterly reviews throughout the fiscal year	
1	High	Administrative	Recruiting, Hiring + Onboarding New Staff	Fill two vacated budgeted positions involving the Administrative Assistant and Analyst I/II/III	Underway
2	High	Statutory	Policy Review MSRs	Consider revisions to existing policies on MSRs to enhance community engagement procedures	Near Completion
3	High	Statutory	Policy Review Outside Services	Consider revisions to existing policies on overseeing outside services – including exemptions	Near Completion
4	High	Statutory	MSR San Marcos Region	Complete the scheduled reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD	Underway
5	High	Statutory	MSR Vista Region	Complete the scheduled reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	Underway
6	High	Statutory	MSR Oceanside Region	Complete scheduled reviews of the City of Oceanside, Oceanside Harbor, and Morro Hills CSD	Underway
7	High	Statutory	MSR Carlsbad Region	Complete scheduled reviews of the City of Carlsbad as well as Carlsbad MWD and Leucadia WWD	Underway
8	High	Administrative	RCD Ad Hoc Committee	Coordinate work of the Ad Hoc Committee in implementing recommendations in MSR on RCDs in San Diego County	Underway
9	High	Statutory	Policy Review Commission Rule No. 4	Complete a comprehensive update to Rule No. 4 and its provisions to address special districts’ service functions and classes	Underway
10	High	Administrative	Website Refresh	Initiate a refresh of the LAFCO website to include more user-friendly tools and expanded content	Near Completion
11	Moderate	Administrative	SALC Grant Ag Trends	Continue second year of SALC grant award to identify and track agricultural trends in San Diego County	Near Completion
12	Moderate	Statutory	MSR CWA-MET	Initiate scheduled review of wholesale water suppliers – CWA (comprehensive) and MET (abbreviated)	Pending
13	Moderate	Administrative	Special Districts Advisory Committee	Provide administrative support to the Special Districts Advisory Committee and hold no less than three formal meetings in FY	Near Completion
14	Moderate	Administrative	Cities Advisory Committee	Provide administrative support to the Cities Advisory Committee and hold no less than two formal meetings in FY	Near Completion
15	Moderate	Statutory	Special District Elections	Conduct special district elections for two seats (regular and alternate) on the Commission	Underway
16	Moderate	Administrative	2021-2022 Audit	Complete outside audit of financial statements for 2021-2022 for and ensure consistency with accounting standards	Underway
17	Moderate	Administrative	Legislative Proposal G.C. 56133	Sponsor and/or otherwise facilitate an amendment to clarify LAFCOs’ determine exemption eligibility under Section 56133	Underway
18	Moderate	Statutory	Policy Review Island Annexations	Consider options to define “substantially surrounded” and provide related mapping to inform update to island annexation policies	Pending
19	Moderate	Statutory	MSR Escondido Region Part II	Complete the scheduled review of the City of Escondido via an addendum process in partnership with the City and Concordia Homes	Completed
20	Moderate	Statutory	Governance Study Escondido Region	Prepare study identifying and analyzing the merits of potential reorganizations involving the City of Escondido and Rincon del Diablo MWD	Pending
21	Moderate-Low	Administrative	Annual Local Agency Directory	Update and publish an annual local agency directory subject to LAFCO oversight	Pending
22	Moderate-Low	Administrative	SOI/MSR Annual Report	Update and publish an annual report documenting all recorded municipal service review and sphere of influence actions	Pending
23	Moderate-Low	Administrative	Commissioner Onboarding Packets	Create onboarding packets for new Commissioners to help orient new members to key roles, duties, and organizational practices	Pending
24	Moderate-Low	Administrative	Informational Report LAFCO at 60	Prepare a report on San Diego LAFCO’s history and key decisions ahead of its 60th Anniversary in June 2023	Underway
25	Moderate-Low	Administrative	Informational Report Property Tax Exchange	Prepare a report primer on current property tax exchange processes in statute and applicable agreements	Pending
26	Low	Administrative	Informational Report JPAs	Prepare a report summarizing JPAs in San Diego County subject to LAFCO reporting under SB 1261	Pending
27	Low	Administrative	Public Access Television	Work with local cable companies and associated non-profits to begin broadcasting LAFCO meetings on local government channels	Pending
28	Low	Administrative	Application Procedures	Streamline existing application packet to be more user-friendly; address new statutory requirements	Pending
29	Low	Administrative	SANDAG	Participate in SANDAG’s Technical Working Group (TWG) and provide updates to the Commission on shared interests as needed	Underway
30	Low	Administrative	Southern California LAFCOs	Participate in quarterly meetings with other Southern California LAFCOs and related projects and/or trainings	Underway

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4	High	Statutory	MSR San Marcos Region	Complete the scheduled reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD	Underway
4	High	Administrative	Informational Report Public Recreation	Prepare a position report assessing public recreational governance models available to SD/County involving SD-owned reservoirs	
5	High	Statutory	MSR Vista Region	Complete the scheduled reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	Underway
6	High	Statutory	MSR Oceanside Region	Complete scheduled reviews of the City of Oceanside, Oceanside Harbor, and Morro Hills CSD	Underway
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COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

MEMORANDUM

DATE: December 9, 2022
TO: Keene Simonds, Executive Officer, San Diego County LAFCO
FROM: LAFCO Commissioner Joel Anderson, Supervisor, Second District
LAFCO Chair Jim Desmond, Supervisor, Fifth District
SUBJECT: Review of City of San Diego-Owned Lakes and Reservoirs Management

Handwritten signatures of Joel Anderson and Jim Desmond

We have been contacted by several constituents expressing an interest in the current management of reservoirs owned by the City of San Diego and managed by the City’s Public Utilities Department. One of the individuals who reached out, Jim Brown, managed the City’s reservoirs via the City of San Diego City Lakes Program for almost 30 years. According to Mr. Brown and others, seven of the ten City-owned reservoirs are located in unincorporated areas of the County.

We have been informed that the City’s Public Utilities Department views the City’s reservoirs primarily as water sources for their constituents with little, if any, attention focused on the recreational value of these resources to the public. As a result, recreational amenities previously available to the public, such as boat rentals and fishing floats, have either been shifted to private concessionaires interested in maximizing profit, rather than providing a public service, or have been discontinued.

There is one example, Lake Morena in Campo, where the City and County have successfully partnered to maximize the recreational potential of the property and facilities available to the public. As a result of this collaboration and the fact that the majority of the City-owned reservoirs are located outside of the City’s boundaries, we are interested in the potential for LAFCO to review the current management model and determine if it would be appropriate for the Commission to conduct a study of the current ownership/management employed by the City to oversee the City’s reservoirs and City Lakes Program. Such a study could provide the Commission insight into potential governance and jurisdictional changes and partnership potential to enhance opportunities for the region’s outdoor enthusiasts to maximize the use of the recreational facilities located at City reservoirs.

Attached for your review is correspondence and information provided by Mr. Brown and a memorandum from the County’s Department of Parks and Recreation outlining potential partnership opportunities to help maximize the use of these recreational resources. We would appreciate your consideration of this request and informing us of any action on this issue that would be appropriate for LAFCO to take regarding this matter.

1600 PACIFIC HIGHWAY, ROOM 335 | SAN DIEGO, CA 92101-2470
COUNTY ADMINISTRATION CENTER: (619) 531-5522 | DISTRICT OFFICE: (619) 441-4327
E-MAIL: JOEL.ANDERSON@SDCOUNTY.CA.GOV
WWW.SUPERVISORJOELANDERSON.COM

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

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AGENDA REPORT
 Business | Action

February 7, 2022

TO: Commissioners

FROM: Tamaron Lockett, Commission Clerk
 Michaela Peters, Administrative Assistant

SUBJECT: **Chair and Vice Chair Appointments**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider making officer appointments and select a chair and vice chair consistent with adopted policy. The appointees will serve the balance of 2023 consistent with policy unless otherwise specified.

BACKGROUND

San Diego LAFCO’s policies direct the Commission to annually appoint a chair and vice chair. Terms are one year unless otherwise specified. The Commission has relatedly established practices to rotate the appointments between county, city, special district, and public members whenever possible. Recent chair and vice chair appointments follow.

Recent Appointments				
Year	Chair	Category	Vice Chair	Category
2015	Bill Horn	County	Sam Abed	City (Escondido)
2016	Bill Horn	County	Sam Abed	City (Escondido)
2017	Sam Abed	City (Escondido)	Jo MacKenzie	District (Vista ID)
2018	Jo MacKenzie	District (Vista ID)	Ed Sprague	District (Olivenhain MWD)
2019	Jo MacKenzie	District (Vista ID)	Dianne Jacob	County
2020	Dianne Jacob	County	Andy Vanderlaan	Public
2021	Andy Vanderlaan	Public	Jim Desmond	County
2022	Jim Desmond	County	Paul McNamara	City (Escondido)

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov	Chair Jim Desmond County of San Diego	Vacant Cities Selection Committee	Stephen Whitburn City of San Diego	Jo MacKenzie Vista Irrigation	Chair Andy Vanderlaan General Public
	Joel Anderson County of San Diego	Vacant Cities Selection Committee	Marni von Wilpert, Alt. City of San Diego	Barry Willis Alpine Fire Protection	Harry Mathis, Alt. General Public
	Nora Vargas, Alt. County of San Diego	Kristi Becker, Alt. City of Solana Beach		David Drake, Alt. Rincon del Diablo	

DISCUSSION

This item is for San Diego LAFCO to appoint a chair and vice chair for the balance of 2023. These appointees actively work with the Executive Officer throughout the calendar year and provide feedback on various administrative items and headlined by setting meeting agendas. The chair also serves as the direct supervisor for the executive officer.

ANALYSIS

None.

RECOMMENDATION

It is recommended San Diego LAFCO consider its preferences and proceed accordingly in selecting a chair and vice chair.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Make appointments to the Chair and Vice Chair positions as appropriate.

Alternative Two:

Continue the item to a future meeting and provide direction to staff with respect to any additional analysis or information requested.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures are suggested in the consideration of this item:

- 1) Receive verbal report from staff unless waived.
- 2) Discuss item and consider recommendation.

Respectfully,



Tamaron Lockett
Commission Clerk