



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

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AGENDA REPORT
 Consent | Information

March 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Mumpower, Analyst II

SUBJECT: Notice of Administrative Approval of “City of Escondido and Bryant-Felicita Road Out-of-Agency Services: Wastewater” (OAS23-03)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an administrative approval by the Executive Officer for the City of Escondido to provide out-of-agency services to an unincorporated property located within the City sphere of influence. The authorization is specific to wastewater service to an existing single-family residence at 2334 Felicita Road and premised on abating a public health and safety threat given documentation of a failing septic system. The Executive Officer’s approval is limited to existing residential uses and termed on the landowner submitting a complete annexation proposal; it also expires in one calendar year unless a time extension is authorized. This notice is being provided for information consistent with adopted policy.

BACKGROUND

Overseeing Out-of-Agency Services

Government Code Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute specifies cities and special districts must request and receive formal written approval from LAFCOs to provide “out-of-agency” services by contract or agreement less certain and limited exemptions. The statute further specifies cities and special districts may

Administration: Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcounty.ca.gov www.sdlafco.org	Chair Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego	Kristi Becker City of Solana Beach Dane White City of Escondido John McCann, Alt. City of Chula Vista	Vice Chair Stephen Whitburn City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David A. Drake, Alt. Rincon del Diablo	Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies’ spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

Delegation to the Executive Officer

San Diego LAFCO’s adopted policies utilize a statutory provision authorizing the Executive Officer to administratively approve out-of-agency services in response to health, safety, or welfare threats. These policies are codified in the Executive Officer job description and relatedly delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting.

Applicant Request and Administrative Approval

San Diego LAFCO received a request from an interested landowner (Donald A. Bryant) in February 2023 for approval to receiving out-of-agency wastewater service from the City of Escondido involving an approximate 0.4-acre unincorporated parcel. The subject parcel is developed with a 2,240 square-foot single-family residence, which was built in 1961 with a situs of 2334 Felicita Road (238-320-12). The subject parcel lies immediately adjacent to the existing Escondido boundary and entirely within the City’s sphere of influence. The request ties to the residence’s existing septic system – which is reportedly pumped routinely to prevent backup – no longer functioning without continual attention and costs by the landowner.

Upon receipt of the landowner’s request and related application materials, LAFCO staff coordinated with the City of Escondido to assess the need and availability of public wastewater service for the affected territory. Staff also confirmed with the County of San Diego’s Environmental Health attesting their recommendation the out-of-agency service proceed to protect against the potential of a public health and safety threat given the area’s high groundwater conditions. The Executive Officer proceeded to issue a conditional administrative approval on February 22, 2023 and is attached for Commission review.

DISCUSSION

This item is for San Diego LAFCO to receive notice of the Executive Officer’s administrative approval authorizing the City of Escondido to provide wastewater service outside its jurisdictional boundary as described above. The Executive Officer’s approval is final under policy, but the Commission is encouraged to discuss the item and provide feedback to staff on any related matters as it collectively deems appropriate.

ANALYSIS

San Diego LAFCO's administrative approval allowing the City of Escondido to provide out-of-agency wastewater services to the subject parcel at 2334 Felicita Road conforms to statute and Commission policies. This includes the Executive Officer taking action to proceed with an immediate solution to abate a reasonably documented threat to public health and safety while concurrently providing a clear path towards annexation as the desired long-term solution. The administrative approval has been conditioned on limiting wastewater service to only the existing residence; no additional development can be accommodated.

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 the Executive Officer,



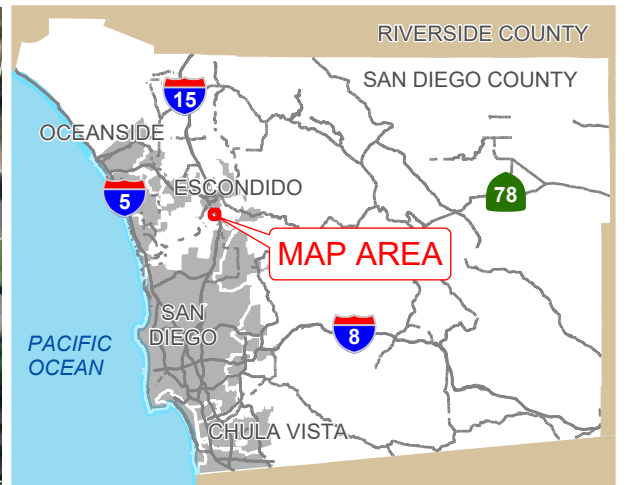
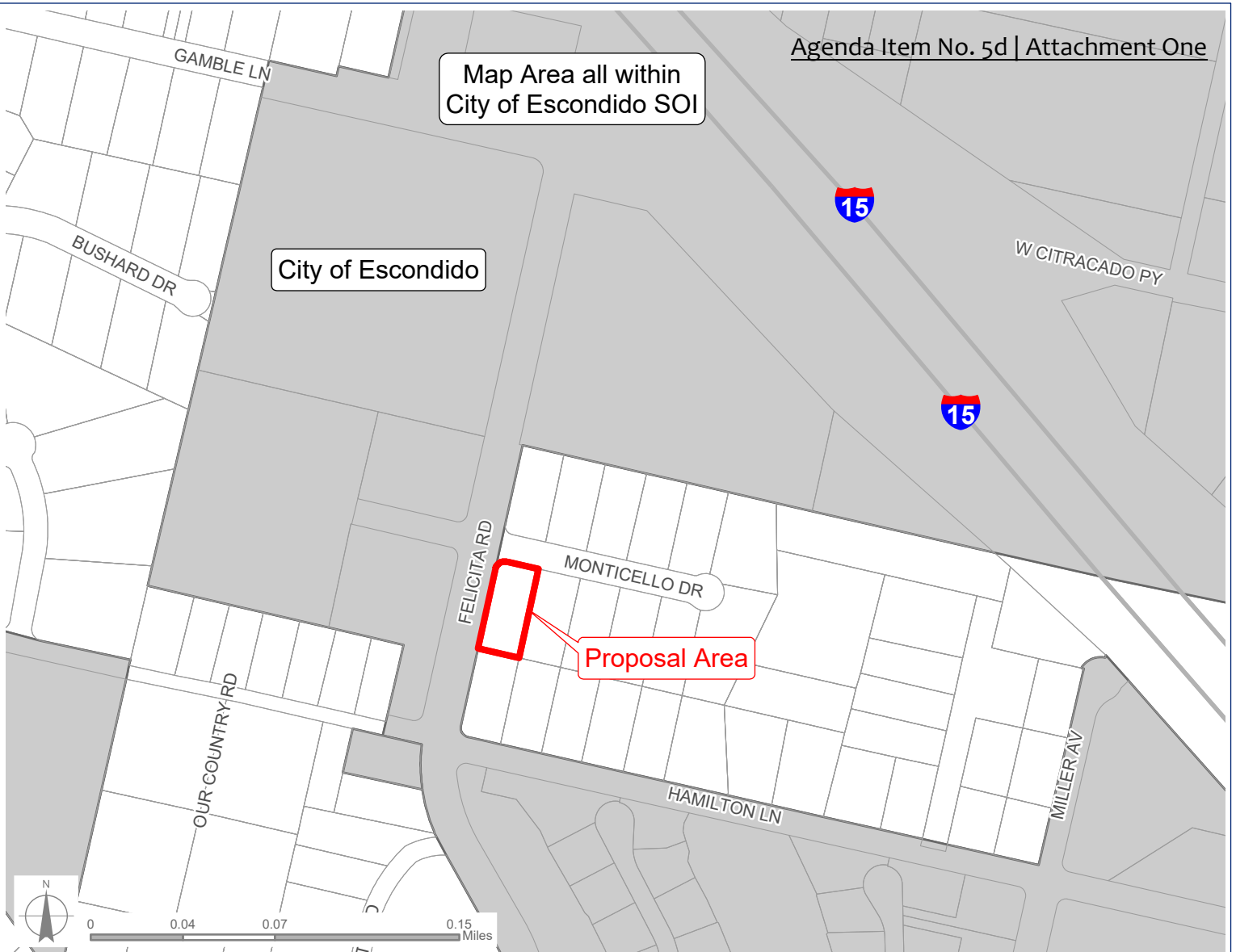
Priscilla Mumpower
Analyst II

Attachments:

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

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Map Area all within City of Escondido SOI



OAS23-03

"BRYANT - FELICITA ROAD OUTSIDE-OF-AGENCY AGREEMENT" | CITY OF ESCONDIDO

- Proposal Area
- City of Escondido

SOI = Sphere of Influence



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**CERTIFICATE OF ADMINISTRATIVE APPROVAL OF A
 CONTRACTUAL WASTEWATER SERVICE AGREEMENT**

**City of Escondido / Donald A. Bryant
 (LAFCO File No. OAS23-03)**

February 22, 2023

In accordance with California Government Code Section 56133, the San Diego County Local Agency Formation Commission (LAFCO) authorizes the City of Escondido to immediately provide extraterritorial wastewater service by contract to 2334 Felicita Road. The subject property is owned by Donald A. Bryant and comprises one unincorporated parcel identified by the County of San Diego Assessor’s Office as 238-320-12. The authorized service is limited to supporting the approximate 2,240 square foot single-family residence currently developed on the subject property.

The contracted wastewater service agreement authorization terms in one year – February 22, 2024 – from the date of its administrative approval by the LAFCO Executive Officer unless an extension is approved. In the interim, the landowner of the subject property shall proceed with filing an annexation with LAFCO as the permanent means for the City of Escondido to provide wastewater service.

A map of the subject property is attached.

Confirmation:

KEENE SIMONDS
 Executive Officer

February 22, 2023

<p>Administration: Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcounty.ca.gov www.sdlafco.org</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>Vice Chair 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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County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
LAND AND WATER QUALITY DIVISION
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Phone: (858) 565-5173 or (800) 253-9933 Fax: (858) 514-6583
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HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

February 13, 2023

Ivan Flores, Associate Planner
City of Escondido, Planning Division
iflores@escondido.org

RE: Public Sewer Connection Urgency

Site Address: 2334 Felicita Rd. Escondido; APN: 238-320-12

Dear Mr. Flores,

The Department of Environmental Health and Quality (DEHQ) received a request for a site consultation from the owners of the above-referenced property, due to the fact that the onsite wastewater treatment system (OWTS) serving their residence has failed and is in urgent need of replacement. The owners are routinely pumping the septic tank to prevent backup into the house.

This area has a history of high groundwater conditions that have caused OWTS failures, especially during the rainy season. Due to groundwater periodically rising to a suspected depth of 2 feet from ground surface, this property is not suitable for a replacement OWTS repair with supplemental treatment. The parcel borders the City of Escondido sewer district, and if public sewer connection is available, DEHQ requests that connection to the public sewer be completed as soon as possible to remove the potential risk to public health due to a failing system.

Should you have any questions in this matter, please feel free to contact me at (619) 607-8354, or feel free to email me at desiree.hogervorst@sdcounty.ca.gov.

Sincerely,
A handwritten signature in blue ink that reads "Desiree Hogervorst".

DESIREE HOGERVORST, Environmental Health Specialist II
Land and Water Quality Division

C: Craig Caes, Supervising Environmental Health Specialist
Cc: Donald Bryant, property owner

CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

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

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

Print/Type Name: _____

Property Address: _____

Phone #: _____ Date: _____

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

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

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Revised November 2022