



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

6b

AGENDA REPORT
 Public Hearing | Action

June 5, 2023

TO: Commissioners

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

SUBJECT: **Proposed “Yung-La Presa Avenue Change of Organization” | Annexation to San Diego County Sanitation District and Conforming Sphere of Influence Action (CO22-17)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization initiated by a landowner to annex approximately 0.16 acres of unincorporated territory to the San Diego County Sanitation District (SD). The affected territory as submitted is presently undeveloped and located in the La Presa unincorporated community. It is immediately adjacent to the existing jurisdictional boundary and sphere of influence. The proposal purpose is to establish public wastewater service to the subject parcel and in doing so accommodate the planned development of a 2,500 square-foot single family residence. Staff recommends conditional approval of the proposal as submitted with a conforming sphere amendment. Staff also recommends waiver of protest proceedings and exemption findings under the California Environmental Quality Act.

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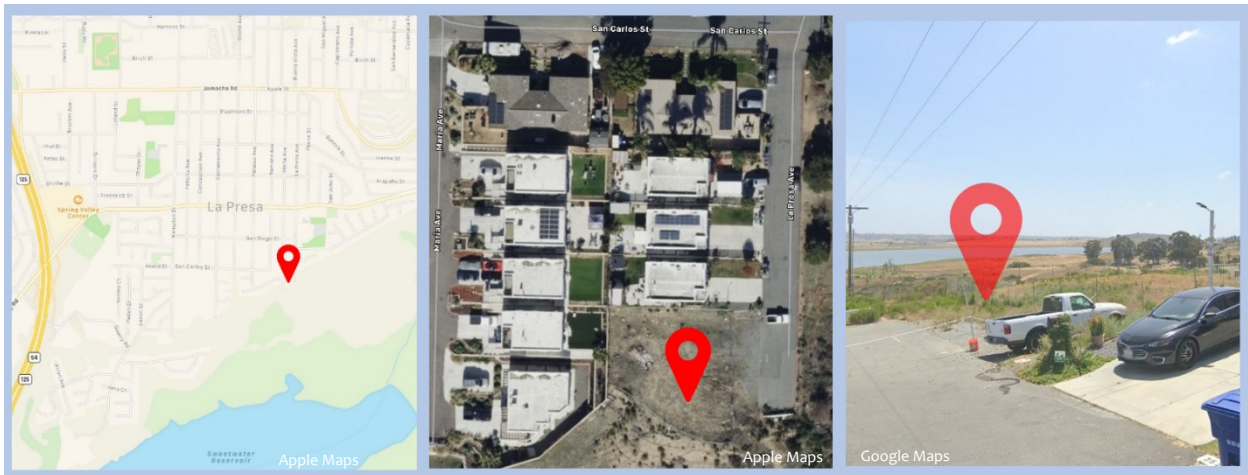
BACKGROUND

Applicant Filling & Requested Terms

San Diego LAFCO has received a change of organization proposal initiated by an interested landowner – NJ Group LLC (Paul Yung) – requesting approval to annex 0.16 acres of unincorporated territory in the La Presa community to County SD and its active wastewater function. The affected territory as submitted comprises one legal parcel that is undeveloped with minimal improvements and located along La Presa Avenue at its southern terminus. The County of San Diego Assessor’s Office identifies the subject parcel as 584-200-34 with a situs of 342 La Presa Avenue. The applicant has not requested any approval terms.

Regional Setting

The affected territory lies in eastern San Diego County within the unincorporated community of La Presa immediately north of Sweetwater Reservoir and adjoining Sweetwater Regional Park. Principal access to the affected territory is provided by La Presa Avenue via San Carlos Street. Most of the surrounding area is under rural residential use with some light industrial activities. The affected territory lies within County Supervisorial District No. 1 (Nora Vargas), Assembly District No. 79 (Akilah Weber), and Senate District No. 39 (Toni Atkins). Maps showing the affected territory and its regional and immediate setting follows.



Subject Agencies

The proposed change of organization filed with San Diego LAFCO involves one subject agency: County SD.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.

- **County SD** is a dependent special district governed by the County of San Diego and serves as successor agency to a multi-agency consolidation completed in 2010. An appointed Deputy Director – William Morgan– oversees day-to-day activities, and this includes a current full-time budgeted staff of 52. The lone active service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans 46 square miles – or 29,571 acres – and is divided between seven distinct service areas with a combined LAFCO estimated resident population of 141,950. The affected territory lies in the greater “Spring Valley” service area. This is the largest service area with an estimated resident population of 88,955 and an accompanying average annual growth rate of 0.50% since 2010. County SD convey flows to the City of San Diego’s adjacent collection system and thereafter to the Point Loma Treatment Facility; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for County SD in 2010 with an overall larger-than-agency designation. The sphere was most recently updated in 2019 and excludes 2,106 jurisdictional acres (mostly in the Bonita area) and includes 9,379 non-jurisdictional acres (mostly in Spring Valley area). The most recently prepared audit shows San Diego County SD’s net position at \$139.8 million as of June 30, 2022, and reflects an overall increase of 10.0% over the prior three fiscal years.

Affected Local Agencies

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

- County Service Area No. 128 (parks)
- County Service Area No. 135 (regional communications)
- Grossmont Healthcare District
- Metropolitan Water District of Southern California
- Otay Water District
- Resource Conservation District of Greater San Diego County (sphere only)
- San Diego County Water Authority
- San Miguel Consolidated Fire Protection District

The affected territory also lies in the following school and college districts, and accordingly receive notice of the proposal: La-Mesa Spring Valley Elementary School District; Grossmont Union High School District; and Grossmont-Cuyamaca Community College District.

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 consider approving – with or without discretionary modifications – the change of organization proposal to annex the affected territory to County SD for purposes of establishing wastewater services. 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.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to establish public wastewater service to facilitate the construction of a planned single-family residence. The timing of the proposal follows the applicant’s purchase of the subject lot in July 2022 and initiating a development application with the County of San Diego. Extension of wastewater would add to existing services available to the affected territory that include community planning, police, and roads from the County of San Diego, fire protection, emergency medical and ambulance transport from San Miguel Consolidated Fire Protection District, and domestic water from Otay Water District.

Development Opportunities

The County of San Diego General Plan designates the affected territory as Village Residential and assigned to the Spring Valley Community Plan. The current zoning assignment is A70/RS (Limited Agriculture/Single Family, Duplex, Multi and Variable Residents) and provides a minimum lot size of 6,000 square-feet or 0.14 acres. This minimum requirement precludes any additional lot division (splitting) within the affected territory. Additional intensity is permissible under zoning with the construction of an accessory dwelling unit.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the proposed change of organization. These policy items take the form of determinations and orient the Commission to consider the stand-alone merits of (a) conforming sphere of influence action, (b) timing of the change of organization itself, and (c) whether modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as further 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).

Central Policy Items

Item No. 1 | Conforming Sphere of Influence Amendment

The proposed change of organization necessitates San Diego LAFCO to consider a conforming sphere of influence action involving an amendment to the lone subject agency to achieve consistency with the requested jurisdictional change as required under statute and practice as detailed. Consideration of the amendment is 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.

The specific amendment prompted by the proposed change of organization involves expanding County SD’s sphere of influence to include all of the affected territory. Three related factors drawn from statute and local policy guide the amendment’s analysis. The statutory factors relate to an informing municipal service review along with addressing the general relationship between the agency and affected territory.³ 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 municipal service review prepared by LAFCO germane to the proposal was completed in 2019. The information provided in this most recent municipal service review remains relevant and timely. Among other germane observations, the municipal service review includes the following conclusionary statements on County SD and highlights its overall macro financial and service capacities:

“County SD has adequate capacity in six of its seven service areas – Alpine- Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, and Spring Valley – to accommodate current and projected near-term demands. This comment is substantiated given none of the systems’ average demands generated during the five-year report period exceed 60% of their associated capacities. Capacity in the seventh service area – Winter Gardens – is more limited with average demand tallying 89%.”

³ Reference to Government Codes 56430 and 56425, respectively.

“County SD has experienced a steady decline in its net position during the five-year report period with an overall decrease – and excluding pension obligations – of (1.4%) due to ongoing margin losses that underlie a (38.1%) change in its operating reserve ratio. This decline is largely attributed to San Diego County SD implementing a five-year rate restructure that draws down on reserves in phasing an ultimate 45.0% raise in customer wastewater rates by 2021-2022. Notwithstanding this recent draw down, San Diego County SD remains in good overall financial standing and finished the period with relatively healthy levels of liquidity and capital with the latter reflected by a debt ratio of less than 10%.”

- 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 comprises one vacant unincorporated parcel within the community of La Presa. The subject parcel is 0.16 acres with immediate plans to develop a 2,500 square foot single-family residence consistent with current zoning. This planned use is readily compatible with the proposal and conforming sphere amendment.
- With respect to **present and probable need for one or more public services**, there is pending need for public wastewater services within the affected territory to accommodate the planned residential use of the subject parcel and related restrictions on alternative provisions (i.e., septic). This pending need is readily compatible with the proposal and conforming sphere amendment.
- With respect to **overall adequacy of the agencies’ public services**, a 2019 municipal service review on County SD attests to the overall sufficiency of resources (infrastructure, finances, etc.) to provide wastewater to the affected territory. Additional analysis on the ability to accommodate the underlying project is included in the proceeding section. No material deficiencies have been identified by LAFCO staff as part of the proposal review.
- With respect to **social or economic communities of interest if relevant to the agencies**, the affected territory lies immediately outside County SD’s sphere of influence and jurisdictional boundary. Amendment to the sphere to include the affected territory would serve to establish direct social and economic ties between the affected territory and County SD and mirror the interests the District maintains within the immediate 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 change of organization conforms with L-102. Most directly, the amendments would facilitate a known and otherwise modest jurisdictional change.

CONCLUSION | MERITS OF A CONFORMING SPHERE OF INFLUENCE AMENDMENT

The conforming sphere of influence amendment to accommodate the proposed change of organization is sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on the following two related assumptions:

- First, it is assumed the Commission determines the 2019 municipal service review completed on County SD adequately informs the membership in assessing County SD’s overall abilities and resources to provide wastewater service to the affected territory (emphasis).
- Second, it is assumed the Commission agrees the transition of the affected territory into County SD’s sphere is in the best interest of the community’s economic and social well-being now and going forward irrespective of the merits of the actual timing of the proposed change of organization.

Should either of these premising assumptions misalign with Commission preferences, it would be appropriate to disapprove or term the conforming sphere action and remedy as needed.

Item No. 2 | 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.⁴ 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 planned residential use merits public wastewater. Annexation of the affected territory to County SD for purpose of establishing public wastewater service accommodates this need and serves as a preferred alternative to – if permissible – an onsite septic system.
- With respect to **service availability and capacities**, County SD would directly assume wastewater service responsibilities for the affected territory should the annexation be approved and recorded. An existing County SD wastewater collection main is located west of the affected territory within the public right-of-way on Maria Avenue. The applicant has secured access to this collection main through a recorded easement with the neighbor at 337 Maria Avenue to accommodate an approximate 184-foot private lateral connection. It is projected the maximum average day wastewater flow generated within the affected territory post annexation based on one single-family residence is 240 gallons. This projected amount can be readily accommodated by County SD and represents less than 0.003% of its available treatment capacity remaining within its wastewater system.⁵ Ultimate buildout would include one additional unit and increase the

⁴ Reference to Government Code Section 56668.

⁵ San Diego County SD’s existing average day wastewater flow is 9.0 million gallons, which equals 51.4% of overall capacity allowed within the Metropolitan Wastewater System operated by the City of San Diego. The allowable maximum wastewater flow capacity of the San

average day wastewater flow to 480 gallons per day and remain less than 0.006% of the remaining available capacity.

- With respect to **related financial considerations**, County SD has adequate financial resources and related administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of recent audited statements, which shows the County SD having established favorable liquidity and capital levels and highlighted by a current ratio of 93 to 1 and debt ratio of less than 1.0%. These measurements provide reasonable assurances of the County SD’s effective financial management and helps lessen concerns regarding recent – albeit minimal – losses marked by an average total margin of (0.05%) over the last 36 months. Additional details are footnoted.⁶

- 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.⁷ 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 County SD in filing the change of organization proposal. 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 to annex the affected territory to County SD to accommodate public wastewater service is warranted. Justification is marked by the preceding analysis and appropriately syncs the need for public wastewater service to support a known and otherwise appropriate development in an urbanizing area while being responsive to existing public infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

Diego County Sanitation District within METRO is 17.5 million gallons per day.

⁶ Establishing actual wastewater service is premised on the landowner paying a connection fee to County SD of \$300. The landowner would subsequently pay an annual wastewater charge of \$517 for each dwelling unit.

⁷ The Executive Officer retains discretion to determine the extent of consultation needed.

Item No. 3 | 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 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.

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 County SD.

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. The Commission is tasked with making two distinct findings under CEQA in consideration of the proposed change of organization. Staff’s analysis follows.

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the County SD’s sphere to include the affected territory – 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 or authorize any new uses or services.

- San Diego LAFCO also serves as lead agency under CEQA for the change of organization itself given it has been initiated by landowner petition. Staff believes it would be appropriate for the Commission to find this action – and specifically the annexation of the affected territory to the County SD – as a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) and its cross-reference to Section 15303 (Class 3). This exemption appropriately applies given the proposed change of organization would not accommodate potential development beyond the statute’s threshold of no more than three single-family residences in an urban area based on current zoning.

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.⁸

RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal as submitted along with a conforming sphere of influence amendment as detailed. This recommendation and ancillary actions are consistent with Alternative One as listed 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) and conforming sphere of influence amendment 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.

⁸ 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 for action as part of a noticed public hearing given the associated need for a sphere of influence amendment. 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.
4. Discuss the item and consider the staff recommendation.

On behalf of the Executive Officer,



Carolanne Ieromnimon
Analyst I

Appendices:

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

Attachments:

- 1) Draft LAFCO Resolution of Approval
- 2) MSR Summary: County SD
- 3) Application Materials
- 4) LAFCO L-102 Policy

APPENDIX A Vicinity Map of the Affected Territory



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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 as submitted comprises one 0.16-acre unincorporated parcel in the unincorporated community of La Presa. The subject parcel is undeveloped and identified by the County Assessor’s Office as APN 584-200-34. 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 \$49,124 with the last transaction recorded in July 2022.

- 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), Otay WD (domestic water), and San Miguel Fire Protection District (fire protection and emergency medical). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Establishing Public Wastewater to Affected Territory**

The affected territory is dependent on establishing public wastewater connection given a septic system is not possible due to the parcel size. An existing County SD wastewater collection main is located west of the affected territory within the public right-of-way on Maria Avenue. The applicant has secured access to this collection main through a recorded easement with the neighbor at 337 Maria Avenue to accommodate an approximate 184-foot private lateral connection. It is projected the maximum average day wastewater flow generated within the affected territory post annexation based on one single-family residence is 240 gallons. This projected amount can be readily accommodated by County SD and represents less than 0.003% of its available treatment capacity remaining within its wastewater system. Ultimate buildout would include one additional unit and increase the average day wastewater flow to 480 gallons per day and remain less than 0.006% of the remaining available capacity.

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

Approving the change of organization and annexation therein to County SD would establish economic and social ties between the District and the affected territory. These ties would mirror the overall region and based on mutual interest therein in accommodating urban growth with urban wastewater services.

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 County SD would facilitate the establishment of public wastewater services to the affected territory and the planned single-family residence. 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 County SD 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 establish wastewater service to the affected territory and in doing so accommodate the planned development of one single-family residence. 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 County of San Diego General Plan designates the affected territory as Village Residential and assigned to the Spring Valley Community Plan. The current zoning assignment is A70/RS (Limited Agriculture/Single Family, Duplex, Multi and Variable Residents and provides a minimum lot size of 6,000 square-feet or 0.14 acres. This minimum requirement precludes any additional lot division (splitting) within the affected territory. Additional intensity is permissible under zoning with the construction of an accessory dwelling unit.

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

See page 5 of the agenda report.

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 May 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 County SD has sufficient and available financial resources and administrative controls therein relative to providing public wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the following factors.

- San Diego County SD’s last audit covers 2021-2022 and shows the District finished with ample liquidity levels with an agency-wide current ratio of 93 to 1 (i.e., \$93.7 in current assets for every \$1.00 in current liabilities).

- San Diego County SD finished 2021-2022 with high capital levels and marked by a low debt ratio of 0.30% (i.e., only \$0.30 out of every \$100.00 in net assets are financed.)
- San Diego County SD has experienced a downward trend in each of the last three audited fiscal years with an average total margin of (0.05%). The most recent year – 2021-2022 – the District finished with an overall total margin of 9.9%.

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 Otay WD’s retail potable water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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 County SD would not affect this assignment.

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

The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The 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 32 percentiles with an internal range between 0 to 77 percentiles Four pollution burden measurements exceed the 50 percentile and considered relatively high. These five measurements comprise (a) two exposures involving air quality PM and traffic as well as (b) two environmental effects involving hazardous waste, and impaired water.
- The affected territory’s **composite susceptible population** ranking falls in the 70.39 percentile with an internal range between 0 to 82 percentiles. Six of these at-risk groups exceeds the 50 percentile and involves low birth weight, limited education, person suffering from poverty, housing burden and unemployment. Three measurements involving low-birth rate, unemployment and housing burden exceeds the 70-percentile and are considered significant in magnitude.

A summary of all tracked pollution burdens and susceptible population follows.

APN 584-200-34	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Affected Territory + Surrounding Land
Census Tract No.	6073013903
Estimated Population	4,299
Pollution Burden	Weighted Percentile
... Composite Score	32.03
... Percentile	56.72
Indicator Air Quality: Ozone	42.76
Indicator Air Quality: PM 2.5:	52.22
Indicator Air Quality: Diesel PM:	28.41
Indicator Pesticides:	0.00
Indicator Toxic Releases:	42.01
Indicator Traffic:	76.13
Indicator Drinking Water Contaminants:	41.60
Indicator Lead in Housing:	42.75
Effects Cleanup Sites:	0.00
Effects Groundwater Threats:	0.00
Effects Hazardous Waste:	56.40
Effects Impaired Water:	77.30
Effects Solid Waste:	0.00
Sensitive Population	Weighted Percentile
... Percentile	70.39
Population Asthma:	68.69
Population Low Birth Weight:	82.28
Population Cardiovascular Disease:	46.06
Population Education:	50.97
Population Linguistic Isolation:	41.44
Population Poverty:	57.44
Population Unemployment:	79.72
Population Housing Burden:	74.04

- 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 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 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.

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“YUNG-LA PRESA AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT AND
CONFORMING SPHERE OF INFLUENCE ACTION (CO22-17)
LAFCO FILE NO. CO22-17**

WHEREAS, on September 26, 2022, an interested landowner – NJ Group LLC (Paul Yung) – filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to annex approximately 0.16 acres of unincorporated territory within the La Presa community to the San Diego County Sanitation District; and

WHEREAS, the affected territory as proposed is currently undeveloped and identified by the County of San Diego Assessor’s Office as 584-200-34; 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 proposed change of organization necessitates the Commission consider a conforming sphere of influence amendment to accommodate the jurisdictional change; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal and conforming sphere of influence amendment 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 April 24, 2023;

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on June 5, 2023; and

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 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) San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the County SD's sphere to include the affected territory – 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 or authorize any new uses or services.
 - b) San Diego LAFCO also serves as lead agency under CEQA for the change of organization itself given it has been initiated by landowner petition. Staff believes it would be appropriate for the Commission to find this action – and specifically the annexation of the affected territory to the County SD – as a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) and its cross-reference to Section 15303 (Class 3). This exemption appropriately applies given the proposed change of organization would not accommodate potential development beyond the statute's threshold of no more than three single-family residences in an urban area based on current zoning.
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 San Diego County Sanitation District is shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by June 5, 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 \$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 \$350.00.
6. The Commission assigns the proposal the following short-term designation:
“Yung-La Presa Change of Organization”
7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
8. The Commission waives conducting authority proceedings under Government Code Section 56662.
9. The San Diego County Sanitation District is a registered-voter districts.
10. The San Diego County District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.

14. The Executive Officer is hereby authorized and directed to transmit 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 June 5, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

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Municipal Service Review

SAN DIEGO COUNTY
SANITATION DISTRICT

FINAL

REPORT SUMMARY | August 2019



General Themes and Conclusions

The San Diego County Sanitation District (SD) serves as the successor agency to multiple special districts that were collectively consolidated into one governing entity in 2011 for purposes of streamlining administration and operations of public wastewater services throughout central and eastern San Diego County. San Diego County SD now serves as the single largest special district wastewater utility in the unincorporated area with an estimated full-time population nearing 150,000. This latter amount represents close to one-third of the total unincorporated population and underlies San Diego County SD's integral role in helping the County of San Diego effectuate its land use policies and accommodate housing opportunities for all incomes. Recent growth within San Diego County SD

and its seven service areas follows historical patterns and falls slightly below countywide averages, and reflects the District generally serves more rural and slower-growth oriented communities.

A review of San Diego County SD relative to San Diego LAFCO's growth management tasks and interests as prescribed under statute produces five central conclusions. These conclusions collectively address the availability, need, and adequacy of San Diego County SD's wastewater services and range in substance from addressing demand-to-capacity relationships in all seven service areas to overall financial standing. The conclusions are independently drawn and sourced to information collected and analyzed by the Commission between 2014 and 2018 and detailed in the agency profile.

No. 1

Byproduct of a Successful Reorganization

San Diego County SD has been successful in achieving its formation purpose to improve public wastewater services within its jurisdictional boundary and multiple service areas therein. This improvement is marked by eliminating previously complex and fragmented systems into one streamlined governance structure with greater economies of scale to plan, fund, and implement capital improvements for the benefit of all seven service areas. This success – and among other purposes – serves as a model for other potential reorganizations in San Diego County.

No. 2

Regional Distinctions in Service Areas

San Diego County SD serves two distinct regions with markedly different service needs and demographics. Service needs are bifurcated in intensity with the central service areas – Alpine–Lakeside, East Otay Mesa, Spring Valley, and Winter Gardens – involving collection only in contrast to the eastern service areas – Campo, Julian, and Pine Valley – involving collection, treatment, and discharge. Demographics also show ratepayers in the central service areas are generally younger with additional education and income compared to the eastern service areas.

No. 3

Adequate and Excess Capacities in Most Service Areas

San Diego County SD has adequate capacity in six of its seven service areas – Alpine–Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, and Spring Valley – to accommodate current and projected near-term demands. This comment is substantiated given none of the systems' average demands generated during the five-year report period exceed 60% of their associated capacities. Capacity in the seventh service area – Winter Gardens – is more limited with average demand tallying 89%.

No. 4

Financial Standing Remains Positive

San Diego County SD has experienced a steady decline in its net position during the five-year report period with an overall decrease – and excluding pension obligations – of (1.4%) due to ongoing margin losses that underlie a (38.1%) change in its operating reserve ratio. This decline is largely attributed to San Diego County SD implementing a five-year rate restructure that draws down on reserves in phasing an ultimate 45.0% raise in customer wastewater rates by 2021–2022. Notwithstanding this recent draw down, San Diego County SD remains in good overall financial standing and finished the period with relatively healthy levels of liquidity and capital with the latter reflected by a debt ratio of less than 10%.

No. 5

Defer Comprehensive Sphere of Influence Update

A preliminary review indicates a comprehensive update to San Diego County SD's sphere is merited to consider changes involving several of the service areas. This includes – and among other considerations – expanding the sphere to accommodate future wastewater expansions into adjacent lands qualifying as disadvantaged unincorporated communities. The scale and scope of the update suggests a deferral to the next municipal service review would be appropriate and allow additional time to coordinate with San Diego County SD and other interested stakeholders.



Otay Lake City Reservoir



Recommendations

The following recommendations call for specific action either from San Diego LAFCO and or San Diego County SD based on information generated as part of this report and outlined below in order of their placement in Section 5.0 (Written Determinations). Recommendations for Commission action are dependent on a subsequent directive from the membership and through the adopted work plan.

1. San Diego LAFCO should coordinate with the County of San Diego and develop residential buildout estimates specific to each service area in San Diego County SD and incorporate the information into the next scheduled municipal service review.
2. San Diego LAFCO should coordinate with San Diego County SD to assess opportunities and costs therein to establish public wastewater services for lands adjacent to existing District infrastructure that are urban in nature or qualify as disadvantaged unincorporated communities.
3. San Diego County SD should revisit its agreement with the City of El Cajon to wheel wastewater from the Spring Valley service area to the City of San Diego for treatment and discharge to allow for additional flows given approaching limitations.
4. Unmetered connections to San Diego County SD's collection system in the Spring Valley service area masks true demands generated by the District and merits remedy to more accurately sync future system improvements to user benefits.
5. San Diego LAFCO should revisit the analysis in this report as appropriate in conjunction with completing an upcoming municipal service review on the City of San Diego and its treatment and discharge of wastewater collected – and from among other sources – San Diego County SD's central service areas.
6. San Diego County SD is currently implementing a five-year rate restructure that will increase rates nine percent annually across all service areas through 2021–2022 with the intent of remedying recent margin losses. The next municipal service review serves as an opportunity for the Commission to revisit the topic and San Diego County SD's ability to effectively realign and match costs with rates in step with considering substantive sphere of influence expansions.



San Diego County SD has been successful in achieving its formation purpose to improve public wastewater services within its jurisdictional boundary and seven service areas therein.



Hillside in
Julian, CA

» Recommendations

7. San Diego County SD and Otay Water District should explore reorganization options in the Jamacha Basin to better economize existing wastewater services in the area.
8. San Diego County SD is partnering with the City of El Cajon, Padre Dam Municipal Water District, and Helix Water District to develop a reuse program to purify collected wastewater into a new water supply in the central service area. This partnership appropriately responds to the need to establish reliable local water supplies in the region and suggest the Commission merits of potentially expanding San Diego County SD powers to include retail recycled water service.
9. San Diego County SD should take additional efforts to distinguish its role to ratepayers as a stand-alone governmental entity separate from the County of San Diego, and this includes – and among other items – posting meeting information along with associated agendas and minutes on its website.
10. San Diego LAFCO should proceed to affirm San Diego County SD’s sphere with no changes with the explicit intention of preparing a comprehensive update ahead and or as part of the next municipal service review in step with a more holistic assessment of wastewater needs within adjacent lands to District service areas.

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 of parcel 584-200-3400 located at 342 La Presa Ave, Spring Valley, CA 91977 withing San Diego Sanitation District.

2. The reason(s) for the proposal are: There is no current public sewer system available for this lot, Also septic system is not feasible due to lot size.

Paul Yung
Proponent's Name (print) Signature of proponent or representative
342 La Presa Ave Spring Valley, CA 91977
Proponent's Address City, State, Zip

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

Executive Officer (Print and Sign)

PART II: DISCLOSURE REQUIREMENTS

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

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

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

Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

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

(a) The specific change(s) of organization proposed is/are: provide sanitation services for this parcel.

(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: n/a

(d) The reason(s) for the proposal is/are: There is no current public sewer system available for this lot, septic system is not feasible due to size of lot.

(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. Paul Yung 4435 Nobel Dr. #27, San Diego, CA 92122
Name of chief proponent (print) mailing address

2. n/a
Name of chief proponent (print) mailing address

3. n/a
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: n/a

2. The proposed name(s) of the new district(s) is/are: n/a

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

(k) If an incorporation is included in the proposal:

1. The name of the proposed city is: n/a

2. Provisions are requested for appointment of: city manager city clerk city treasurer


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

Part 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.

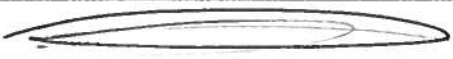
Name of Signer	Residence Address	Date Signed	Official Use
Sign  Print <u>Paul Yung</u>	4435 Nobel Dr.#27 San Diego, CA 92122	9/5/2022	
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			

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  Print <u>Paul Yung</u>	584-200-34-00	9/15/2022	
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			
Sign _____ Print <u>n/a</u>			

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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