



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

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AGENDA REPORT
 Consent | Information

October 7, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Meghan Traynor, Analyst I

SUBJECT: Notice of Administrative Approval of “Shen - Pinecrest Avenue Out-of-Agency Wastewater Services” | City of Escondido (OAS24-08)

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 1155 Pinecrest Avenue 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 the existing residence developed on the affected territory as of September 6, 2024. Any additional development – including an accessory unit – would require an additional approval. The Executive Officer’s approval is also termed on the landowner submitting a complete annexation proposal within 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

<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>Joel Anderson County of San Diego</p> <p>Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann, Alt. City of Chula Vista</p>	<p>Chair Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Vice Chair Barry Willis Alpine Fire Protection</p> <p>Jo MacKenzie Vista Irrigation</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Harry Mathis General Public</p> <p>Brigitte Browning, Alt. General Public</p>
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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 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 current policies authorize the Executive Officer to administratively approve outside-of- agency services specific to water or wastewater services in response to documented health, safety, or welfare impacts. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting for information only. Otherwise, all out-of-agency approvals require formal Commission action.¹

Applicant Request and Administrative Approval

San Diego LAFCO received a request from the City of Escondido on behalf of an interested landowner (Guoliang Shen) in August 2024 for approval to provide out-of-agency wastewater service to an approximate 1.09-acre unincorporated parcel at 1155 Pinecrest Avenue (235-110-10). The subject parcel is developed with a 5,590 square-foot single-family residence that was built in 1957 and lies 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 backflow into residence – no longer functioning without continual attention and costs.

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 Department of Environmental Health attesting their recommendation the out-of-agency service proceed to protect against the potential of a public health and safety threat. This recommendation ties to space limitations on the parcel and the unlikely case a new septic system would be able to support the residence based on current standards. The Executive Officer proceeded to issue a conditioned approval on September 6, 2024 to allow Escondido to proceed with extending wastewater service to the existing residence. The administrative approval is condition – among other items – to require the landowner to file for annexation.

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 to inform future actions.

¹ These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. Reference to Policy L-113.

ANALYSIS

San Diego LAFCO’s administrative approval allowing the City of Escondido to provide out-of-agency wastewater services to the subject parcel at 1155 Pinecrest Avenue conforms to statute and local 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. The administrative approval has been conditioned on limiting wastewater service to only the existing residence with any additional future development – including an accessory unit – requiring its own approval by LAFCO. Approval has also been conditioned on the landowner submitting a complete annexation proposal. This condition is consistent with Commission policy and practice and allows the landowner to proceed with an immediate connection without waiting out the standard 6-8 months to complete annexation proceedings.

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,



Meghan Traynor
Analyst I

Attachments:

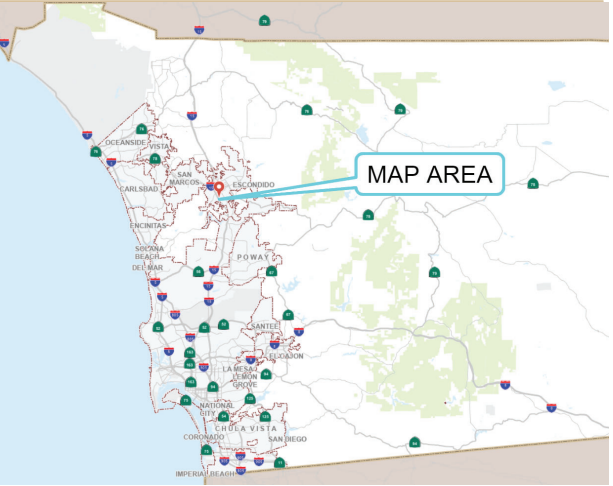
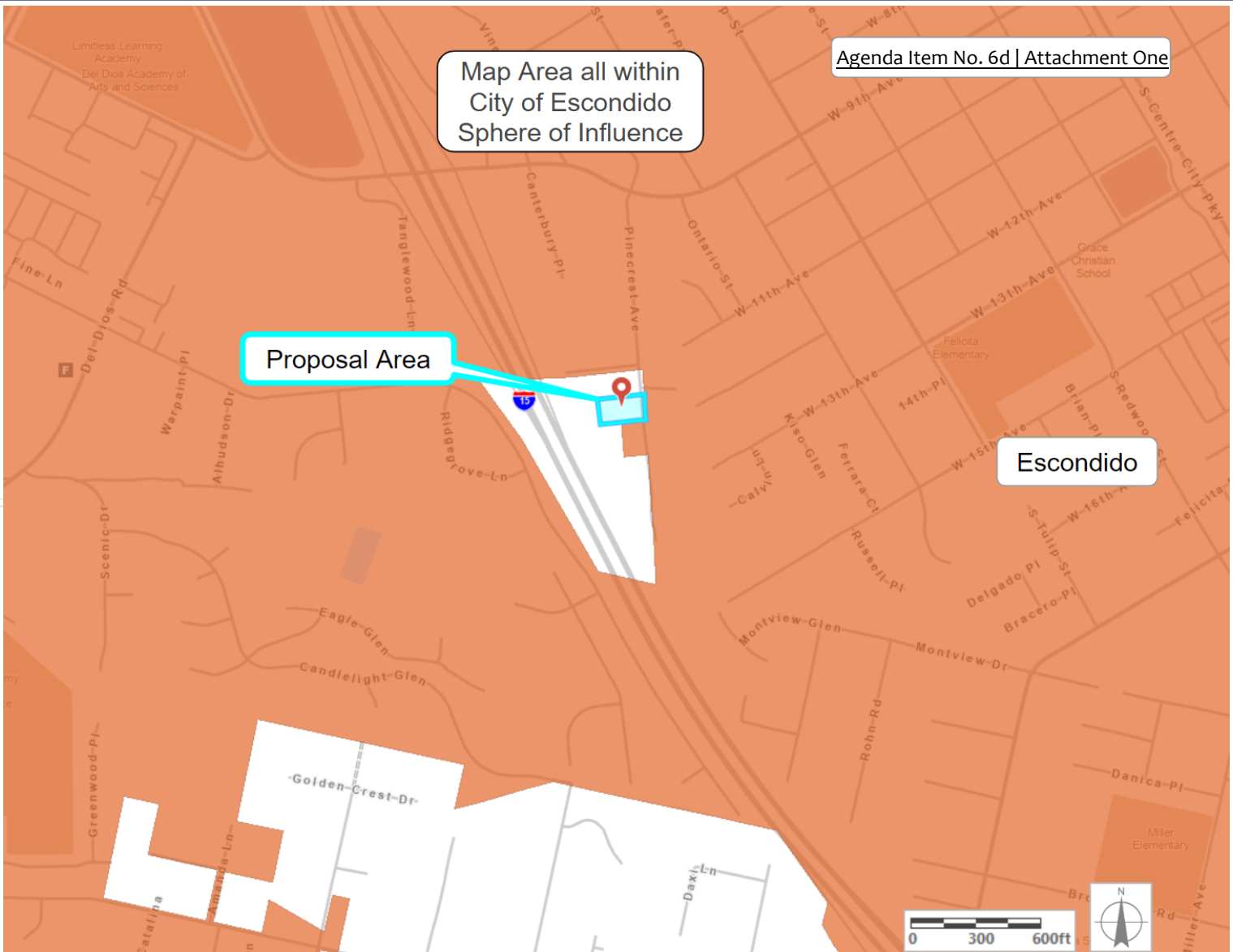
- 1) Map of the Affected Territory
- 2) Certificate of Administrative Approval
- 3) Related Request Documents

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Map Area all within City of Escondido Sphere of Influence

Proposal Area

Escondido



OAS24-08 "SHEN - PINECREST AVENUE OUT-OF-AGENCY WASTEWATER SERVICES" | CITY OF ESCONDIDO

Proposal Area
 City of Escondido



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

CERTIFICATE OF ADMINISTRATIVE APPROVAL OF A
CONTRACTUAL WASTEWATER SERVICE AGREEMENT

City of Escondido / Guoliang Shen
(LAFCO File No. OAS24-08)

September 6, 2024

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 1155 Pinecrest Avenue. The subject property is owned by Guoliang Shen and comprises one unincorporated parcel identified by the County of San Diego Assessor's Office as 235-110-10-00. The authorized service is limited to supporting the approximate 5,600 square foot single-family residence currently developed on the subject property. This authorization does not extend to the second unit developed on the affected territory.

Confirmation:

Handwritten signature of Keene Simonds

KEENE SIMONDS
Executive Officer

September 6, 2024

Table with 6 columns: Administration, Joel Anderson, Kristi Becker, Chair Stephen Whitburn, Vice Chair Barry Willis, Harry Mathis. Includes contact information for various officials and their respective agencies.

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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: GUOLIANG SHEN *Guo Liang Shen*

Property Address: 1155 Pinecrest Ave Escondido, CA 92025

Phone #: 858-254-1438 Date: 08/29/2024

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

1. What type or types of public service(s) will be provided? waste/septic water
2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health). *Failed septic system. See letter from County.*
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. Annexation will complete within next year after connect this property to Escondido waste water system.
4. Are there any jurisdictional issues associated with the YES NO
(If yes, please complete the LAFCO Policy L-107 form)

San Diego Local Agency Formation Commission
 2550 Fifth Ave., Suite 725
 San Diego, CA 92103
 (619) 321-3380

Revised November 2022

RECEIVED

SEP 03 2024

SAN DIEGO LAFCO



Sean McGlynn
City Manager
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4631 Fax: 760-839-4578

September 5, 2024

Keene Simonds, Executive Officer
San Diego LAFCO
2550 Fifth Ave, Suite 725
San Diego, CA 92103

RE: Request for LAFCO Approval of an Emergency Out-of-Agency Service Request – 1155 Pinecrest Avenue, Escondido CA 92025

Mr. Simonds:

The City of Escondido has received a request from an affected landowner for an extension of City sewer service to unincorporated territory outside of the City's boundaries and within the City's sphere of influence in advance of a future change of organization to annex the property. Your administrative approval is requested for the proposed out-of-agency sewer service agreement and extension of sewer service outside the City's boundaries to resolve an existing or impending health and safety emergency threat to the residents of the subject property.

The affected property is located at 1155 Pinecrest Avenue and includes one parcel (APN 235-110-10-00) developed with one single-family residence experiencing a failure of its existing underground septic disposal system. The County of San Diego Department of Environmental Health has confirmed the failing status of the septic system in a letter dated August 16, 2024 and has recommended connection to public sewer as a permanent solution.

The City of Escondido has sewer service available to the subject property from adjacent infrastructure located within Pinecrest Avenue. The property owner would be responsible for all connection costs and fees. Attached to this request letter is a copy of Escondido's standard Out-of-Agency Service Agreement template which specifies all terms and conditions for such proposed extensions of City sewer service.

After receiving the LAFCO Executive Officer's Certificate of Administrative Approval for an Out of Agency Service Agreement, the conformed sewer service agreement for the subject property would go to the Escondido City Council for consideration. Following Council approval, the sewer service agreement would be recorded by the County Recorder and connection of the property to the City's sewer system would be allowed per the terms and conditions of the service agreement. A copy of the recorded service agreement would be forwarded to the LAFCO office.

September 5, 2024
1155 Pinecrest Ave. Out of Agency Service Agreement Request
Page 2

Please contact Alex Rangel at 760-839-4542 with the City of Escondido should you have any questions or require additional information regarding this request.

Sincerely,



Sean McGlynn
City Manager

Enclosures

Cc: Christopher W. McKinney, Deputy City Manager
Veronica Morones, City Planner



County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 505-6786
www.sdcdeh.org

HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

August 16, 2024

Angela Morrow
Director of Utilities
City of Escondido
1521 S. Hale Ave.
Escondido, CA 92025

Hongjun Liu
Property Owner
8669 Menkar Rd.
San Diego, CA 92126

Site Address: 1155 Pinecrest Ave. Escondido, CA. 92025

APN: 235-110-10-00

Dear Ms. Morrow,

On August 12, 2024, staff from the San Diego County Department of Environmental Health and Quality (DEHQ), conducted a site consultation at the parcel listed above to evaluate the feasibility of repairing the existing septic vs. connecting the residence to the public sewer system.

DEHQ has no records that definitively indicate the current size or location of the existing septic system; and the hired professional contracted to evaluate/repair the system reports that it is failing, and they do not foresee any way to replace or repair it.

Most of the parcel is paved or developed over; and the majority of undeveloped spaces on the land are already being used for the existing onsite wastewater treatment (OWTS). The suspected remaining spaces are too tight and/or do not meet L.A.M.P. requirements. Given all the limiting factors a new OWTS on the parcel would likely not be able to support the existing dwellings based on current standards.

Given that the current septic system has failed, and there is virtually no way to replace it DEHQ requests that parcel be annexed into the City of Escondido's wastewater district. Facilitating a sewer connection as soon as possible will minimize possible environmental and public health risks.

Thank you for your time, if you have any questions I can be reached at 619-366-1590, or conner.jordan@sdcounty.ca.gov

Sincerely,

C. Jordan
Environmental Health Specialist II
Dept. of Environmental Health & Quality
P.O. BOX 129261, San Diego, Ca. 92112-9261

Cc: G. Shen, H. Liu, R. Harlan

Jordan, Conner Digitally signed by Jordan,
Conner
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