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

5d

AGENDA REPORT
Consent | Action

November 4, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Robert Barry, Chief Policy Analyst

SUBJECT: **Proposed "Rains–Acacia Avenue Change of Organization" | Annexation to the San Diego County Sanitation District (CO19-07)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by an interested landowner to annex approximately 0.5 acres of unincorporated territory to the San Diego County Sanitation District (SD). The affected territory as submitted includes a developed single-family residential parcel and adjacent public right-of-way in Bonita. The proposal purpose is to provide permanent public wastewater service to an existing single-family residence and in doing so replace an emergency out-of-agency service agreement approved by LAFCO in May 2019 due to a failing septic system. Staff recommends approval of the proposal without modifications or a conforming sphere of influence amendment for reasons detailed. Standard approval terms are also recommended along with waiving protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received an application from a landowner – Rains Revocable Trust – requesting approval to annex approximately 0.5 acres of unincorporated territory in Bonita to the San Diego County SD. The affected territory as submitted includes one entire parcel

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already developed with a single-family residence with a situs of 4392 Acacia Avenue. The existing single-family residence was built in 1958 and is approximately 1,600 square feet in size with four bedrooms and two bathrooms. The County of San Diego Assessor identifies the subject parcel as 594-062-07. The affected territory also includes the adjacent public right-of-way on Acacia Avenue. All of the affected territory lies outside the San Diego County SD sphere of influence but within the City of Chula Vista sphere of influence.

Affected Territory

The following map shows the approximate location of the affected territory in context to the Bonita-Chula Vista region. Attachment One shows the affected territory relative to the proposed boundary change involving the lone subject agency (San Diego County SD) and the principal affected agency (City of Chula Vista).



San Diego LAFCO / SANGIS Mapping

Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: San Diego County SD.[1] A summary of the subject agency in terms of resident population, municipal service functions, and financial standing follows.

- San Diego County SD is a dependent special district governed by the County of San Diego and spans 29,571 acres or 46 square miles. The lone activate municipal service function is wastewater. The jurisdictional boundary is divided between seven distinct service areas with a combined LAFCO estimated resident service population of 149,798. The affected territory lies in the Spring Valley service area. This is the largest service area with an estimated resident service population of 92,717 and an accompanying average annual growth rate of 0.63% since 2010. San Diego County SD utilizes approximately 266 miles of collection lines in the Spring Valley service area to

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

convey flows into 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 San Diego County SD at the time of its formation in 2011 with a smaller-than-agency designation to exclude 9,141 jurisdictional acres and equals 30.9% of the District boundary. This includes excluding jurisdictional lands in the Spring Valley service area that concurrently lie in the sphere of influence for the City of Chula Vista. San Diego County SD's audited net position is $118.7 million as of June 30, 2018 and has decreased by (1.3%) over the prior three fiscal years.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO. These agencies qualify as "affected agencies" relative to the proposed change of organization and listed below.[2]

- Bonita-Sunnyside Fire Protection District
- City of Chula Vista (sphere only)
- County Service Area No. 135 - Regional Communications
- Greater San Diego Resource Conservation District (sphere only)
- Metropolitan Water District of Southern California
- South Bay Irrigation District
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority

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 the San Diego County SD. 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 and Commission focus follows.

Proposal Purpose

The primary purpose of the proposed change of organization before San Diego LAFCO is to permanently establish public wastewater service to the affected territory through annexation to the San Diego County SD. Annexation would replace an emergency out-of-agency extension between San Diego County SD and the landowner that was approved by the Executive Officer on May 17, 2019 given evidence of a failing septic system. Approval of the earlier out-of-agency extension – notably – was conditioned on the landowner filing for

[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.

annexation and subsequently ratified by the Commission on June 3, 2019.[3]

Development Potential

The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area. The County designates the affected territory as Village Residential (VR-2) with a zoning standard of Rural Residential (RR). This latter standard prescribes a minimum lot size of 0.5 acres. No further development other than an accessory unit would be feasible due to the size of the subject parcel.

Commission Focus

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

ANALYSIS

The analysis of the change of organization is organized into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of a sphere amendment and the change of organization as well as whether modifications and/or terms are appropriate. The second subsection considers other germane issues required under LAFCO law or other applicable State statutes and highlighted by the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Sphere of Influence Amendment

State law specifies all jurisdictional changes approved by San Diego LAFCO shall be consistent with the spheres of influence of the subject agencies.[4] This statutory threshold – in most instances – would necessitate the Commission consider an amendment to add the affected territory to San Diego County SD's sphere of influence to accommodate the proposed annexation. The statutory threshold is further prefaced on the Legislature defining spheres of influence to demark the appropriate current and future boundary and service area of the subject agency as determined by the Commission. However, and

[3] San Diego LAFCO received a request from the landowner on April 15, 2019 for approval to enter into an outside-of-agency wastewater service agreement to connect the single-family residence within the affected territory to San Diego County SD to remedy a failed septic system. LAFCO staff proceeded to coordinate with San Diego County SD and the County Department of Environmental Health (DEH) to assess the baseline conditions with the affected territory's septic system. DEH proceeded to determine the septic system's vertical seepage pit had collapsed, and the site contains high groundwater levels and poor soil conditioned for percolation. Based on this information, and as allowed under policy, the Executive Officer approved an emergency out-of-agency agreement on May 17th.

[4] Reference to Government Code Section 56375.5.

pertinently, the Commission has established a standing and unique practice specific to San Diego County SD to purposefully exclude jurisdictional lands in Bonita from its sphere of influence that are already in the City of Chula Vista's sphere of influence. The underlying premise to this practice is to assign deference to the City of Chula Vista as the ultimate future service provider for Bonita when infrastructure and other timing issues materialize.

Conclusion | Sphere of Influence Amendment

A sphere of influence amendment is not warranted to accommodate the change of organization based on past practices of San Diego LAFCO to avoid overlap with the City of Chula Vista's sphere of influence and the Commission's preference therein to prioritize the City as the ultimate service provider in the subject area.

Item No. 2 |
Change of Organization Timing

The timing of the annexation of the affected territory to San Diego County SD appears appropriate and highlighted by the analysis of the factors required for consideration under LAFCO law anytime jurisdictional changes are proposed. Most of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the *receiving* agency, San Diego County SD (emphasis added). No single factor is determinative. A summary of key conclusions generated in the review of these items follows with additional analysis provided in Appendix A.

- Service Needs
  Annexation of the affected territory to San Diego County SD would represent a logical and orderly expansion of the District's jurisdictional boundary and wastewater services therein and would not create new service islands or corridors. Additional details on serve needs follow.

  - It has been the standing practice of the Commission to phase jurisdictional changes in the Bonita area to allow for annexations to the San Diego County SD to accommodate existing wastewater needs ahead of subsequent annexations to the City of Chula Vista to accommodate and consolidate multiple service needs. Annexation of the affected territory would be consistent with this practice.

  - Annexation of the affected territory to San Diego County SD for purpose of establishing permanent public wastewater service is consistent with the adopted residential land use policies of the County of San Diego. Annexation is also – pertinently – consistent with the land use policies contemplated for the affected territory by the City of Chula Vista; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the subject lands standing inclusion in the City's sphere.

- The landowner of the affected territory has initiated the proposal in response to a failing septic system. These factors help to quantify the annexation of the affected territory to San Diego County SD is appropriate by synching the timing of the boundary change with a known and immediate service need.

- Service Capacities and Levels
  San Diego County SD has available and sufficient capacities to accommodate projected wastewater demands within the affected territory at its potential maximum uses without expansion of any public infrastructure. Additional details on relevant service capacities and levels follow.

  - The affected territory has already established connection to San Diego County SD through an emergency out-of-agency extension. The connection is facilitated through a lateral to the wastewater main located immediately adjacent to the affected territory within the public right-of-way on Acacia Avenue. No public infrastructure expansion is needed to continue to serve the affected territory.

  - San Diego County SD projects the average day wastewater demand generated within the affected territory based on its current development is 240 gallons. This projected amount can be readily accommodated by San Diego County SD and represents 0.006% of its available contract capacity remaining at the assigned treatment facility based on current system demands. Ultimate buildout would potentially include an accessory unit and increase the average day wastewater flow to 480 gallons per day or 0.012% of the remaining available capacity.

- Service Funding and Costs
  San Diego County SD has the financial resources coupled with administrative controls to provide wastewater to the affected territory in support of its current and planned development without adversely impacting ratepayers. This comment is reflected in the staff analysis of San Diego County SD's recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 5.5%.[5]

Conclusion | Merits of Change of Organization Timing

The timing of the change of organization and annexation of the affected territory to San Diego County SD is warranted. Justification is marked by the preceding analysis and appropriately responds to the need for permanent wastewater service in a developing urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

[5] Audited statements cover FY2016, 2017, and 2018.

Item No. 3 | Modifications and Terms

No boundary modifications to the change of organization proposal have been identified by staff meriting consideration by San Diego LAFCO at this time. This includes noting the proposal includes the adjacent public right-of-way on Acacia Avenue to the centerline. Staff relatedly recognizes the affected territory lies in the City of Chula Vista's sphere of influence and reflects the Commission's policy expectation the lands ultimately annex to the City. The lack of direct connectivity with Chula Vista coupled with no documented requests or comments otherwise substantively suggests annexation to the City would be premature based on these local conditions.[6] Standard approval terms are separately recommended.

Conclusion | Modifications and Terms

No modifications appear warranted. Standard terms are recommended.

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 tax exchange agreement applicable to the proposed change of organization. The application of this master tax exchange agreement will result in no transfer of property taxes to San Diego County SD.

Environmental Review

CEQA requires San Diego LAFCO to serve as lead agency and assess whether impacts would result from the proposed change of organization initiated by a landowner. Staff has determined the proposal qualifies as project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a). This exemption applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.

[6] As part of a broad and regional discussion it would be appropriate for LAFCO, County, and Chula Vista to discuss opportunities to time the annexation of lands within the existing Chula Vista sphere to the City following land use entitlement as part of future municipal service reviews.

Protest Proceedings

Protest proceeding for the change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The 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, and the landowner has consented to the underlying actions as the initiating petitioner.[7]

RECOMMENDATION

Staff recommends approval of the change of organization proposal without modifications along with standard terms based on the analysis provided in the preceding analysis. This recommendation is consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One (recommended):
Adopt the attached draft resolution approving the change of organization proposal without modifications and with standard terms.

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.

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,



Robert Barry, AICP
Chief Policy Analyst

[7] LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

Appendices:

A) Analysis of Boundary Change Factors

Attachments:

1) Map of the Affected Territory
2) Draft Resolution of Approval
3) Landowner Petition

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APPENDIX A

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, during the next 10 years.

The affected territory is approximately 0.45 acres in size and includes an unincorporated parcel developed within a single-family residence at 4392 Acacia Avenue in Bonita. The adjacent public right-of-way to the centerline on Acacia Avenue is also included. The application materials identify the subject parcel is currently occupied with two residents. The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area and designated and zoned for residential uses. No significant growth is anticipated in the surrounding area within the next 10-year period. Total assessed value (land and structures) in the affected territory is $107,767 as of July 2019.

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 acts as the primary purveyor of general governmental services to the affected territory. This includes community planning, roads, and public safety with the latter including law enforcement via the County Sheriff. Other pertinent service providers include Bonita-Sunnyside Fire Protection District (fire protection and emergency medical) and County Service Area 135 (regional communications). The affected territory is also within the South Bay Irrigation District (Sweetwater Authority) for domestic water service. This proposal affects wastewater service only and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**
  The affected territory is currently connected to San Diego County SD's wastewater system through an out-of-agency extension that was approved by LAFCO in May 2019 in response to documentation of a failing septic system. San Diego County SD projects the average day wastewater demand generated within the affected territory is 240 gallons per day. This projected amount can be readily accommodated by San Diego County SD and represents 0.006% of its available contract capacity remaining at the Point Loma Facility based on current system demands. Ultimate buildout would potentially include an accessory unit and increase the average day wastewater flow to 480 gallons per day or 0.012% 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 would formalize and make more permanent existing economic and social ties between the San Diego County SD and the affected territory. These ties are drawn from the current connection of the affected territory to San Diego County SD's wastewater system through an emergency out-of-agency extension approved by LAFCO in May 2019 and necessary to abate a documented public health threat.

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.

The affected territory is presently developed with one single-family residence that is currently dependent on an out-of-agency wastewater extension to San Diego County SD due to the past failure of a septic system. Annexation of the affected territory would make the existing service arrangement permanent and is consistent with the policies and practices of the Commission to synch urban uses with urban services. None of the affected territory includes lands qualifying as "open-space" as defined under LAFCO law and the proposal therefore does not conflict with G.C. Section 56377.

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 qualify as "prime agricultural land" under LAFCO law. Specifically, the lands are not 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 change of organization proposal and annexation to San Diego 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 consistent with the standard of the State Board of Equalization for the proposed change of organization and annexation to San Diego County SD. Approval would be conditioned on a final map and description conforming to the referenced standards. Approval for change of organization of the affected territory would not create any new islands or service corridors of unincorporated territory.

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

The proposed change of organization would make permanent public wastewater service to one existing single-family residence in a developing urban community. The proposal, accordingly, does not conflict with San Diego Forward, the regional transportation plan prepared by San Diego Association of Governments (SANDAG).

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

The County of San Diego General Plan identifies the affected territory as part of the Sweetwater Community Planning Area. The present County General Plan land use designation for the affected territory is Village Residential (VR-2) which allows up to 2.0 dwelling units per acre. The County zoning is Rural Residential (RR) which allows for single-family residential development with a 0.50 acre minimum lot size. These County land use policies prohibit further density within the affected territory. It is separately noted the affected territory also lies within the sphere of influence of the City of Chula Vista and signals the Commission's intention the lands should ultimately transition into the City when the timing is appropriate. The City of Chula Vista similarly designates and prezones the affected territory for residential uses with a maximum of 3.0 dwelling units per acre.

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

The affected territory lies outside the sphere of influence for the San Diego County SD. However, and pertinently, the Commission has established standing and unique practices specific to San Diego County SD to purposefully exclude jurisdictional lands in Bonita from its sphere of influence that are already in the City of Chula Vista's sphere of influence. The underlying premise to this practice is to assign deference to the City of Chula Vista as the ultimate future service provider for Bonita when infrastructure and other timing issues materialize. The change of organization, accordingly, can proceed without a conforming sphere of influence amendment based on these established Commission practices.

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

Staff provided notice of the change of organization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report.

(over)

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.

San Diego County SD has the financial resources coupled with administrative controls to provide wastewater service to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of San Diego County SD's recent audited statements and shows the District remained profitable in each of the last three audited fiscal years with an average total margin of 5.5%.[8] San Diego County WD's audited net position is $118.7 million as of June 30, 2018 with the unrestricted portion tallying $40.7 million. This latter amount represents the equivalent of 16 plus months of normal operating expenses. Should the Commission approve the change of organization the landowner will pay all required fees and service charges commensurate with San Diego County SD's adopted fee ordinance in establishing permanent wastewater service.[9]

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

The affected territory is presently located within and receives domestic water service from the South Bay ID (Sweetwater Authority). No change to this service arrangement is associated with the subject proposal. The San Diego County Water Authority serves as the wholesale water provider for the affected territory. The Water Authority's most recently adopted urban water management plan attests it has sufficient water supplies to meet its member agencies needs through the planning horizon of 2035 under normal and single-dry year conditions. Conservation measures, however, would likely be needed during severe and multiple dry-year conditions. To this end, South Bay ID has established a contingency plan to reduce water demands in the event of supply shortages consistent with recommendations from the Water Authority.

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 permanently extend wastewater service to one existing single-family residence already connected to San Diego County SD's wastewater system through an out-of-agency extension. The proposal will not affect any local agencies in achieving their respective fair shares of the regional housing needs. All regional housing needs tied to the lands are assigned to the County of San Diego by the region's council of governments, SANDAG.

[8] Audited statements cover FY2016, 2017, and 2018.
[9] A master tax agreement also applies and will result in no annual transfer to San Diego County SD.

n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is developed with one single-family residence containing two registered voters. The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner supports the proposed change of organization and has provided their 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.

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities. Approval of the proposed change of organization is not anticipated to influence and/or hinder the promotion of environmental justice in the affected territory.

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.

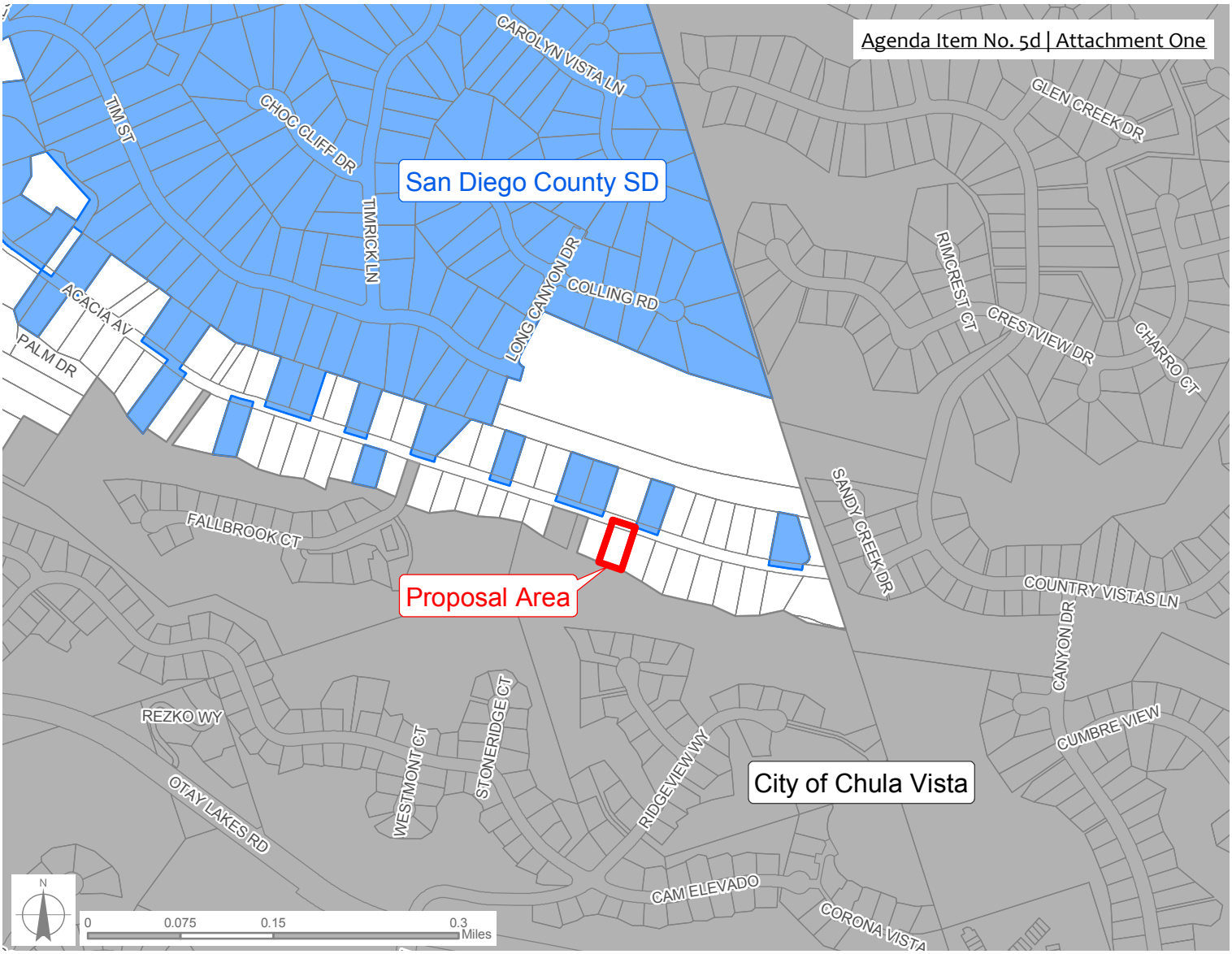
The affected territory is not located within a designated state responsibility area or in a local fire hazard zone.

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.

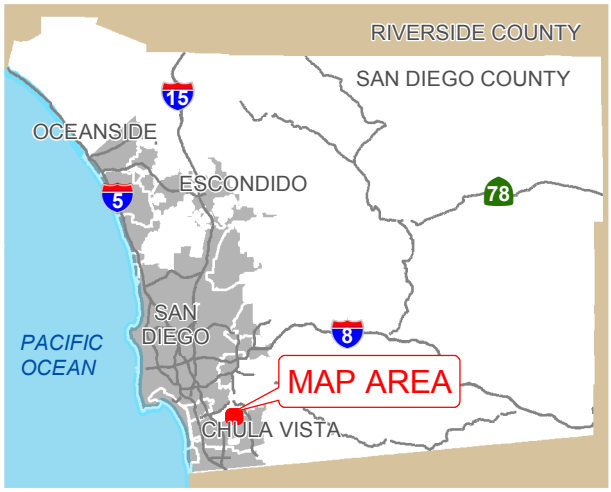
Approval of the change of organization proposal would be in the best interest of the current and future landowners and/or residents of the affected territory by providing permanent access to reliable public wastewater service going forward.

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Agenda Item No. 5d | Attachment One







DA19-07 PROPOSED "RAINS - ACACIA AVENUE CHANGE OF ORGANIZATION" | ANNEXATION TO SAN DIEGO COUNTY SD

- Proposal Area
- San Diego County SD
- City of Chula Vista

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

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING AND ORDERING A CHANGE OF ORGANIZATION

"RAINS-ACACIA AVENUE CHANGE OF ORGANIZATION"
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT
LAFCO FILE NO: DA19-07

WHEREAS, on April 15, 2019, the landowner, Rains Revocable Trust, 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 (Government Code § 56000, et seq.); and

WHEREAS, the application seeks approval for a change of organization involving annexation of approximately 0.45 acres of unincorporated territory to the San Diego County Sanitation District; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated December 14, 1982; and

WHEREAS, the Commission's Executive Officer has reviewed the proposed change of organization and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the proposed change of organization has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on November 4, 2019; and

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

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

1. The meeting was held on the date set therefore, and due notice of said hearing was given in the manner required by law.

2. At the meeting, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer's report.

3. The Commission serves as responsible agency under the California Environmental Quality Act (CEQA) in considering the change of organization and makes the following finding:

a) The Commission determines the change of organization qualifies as project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a). This exemption applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.

4. The Commission APPROVES the change of organization without modifications and subject to conditions as provided. Approval involves all of the following:

   a) Annexation of 0.45 acres comprising the affected territory to the San Diego County Sanitation District as shown in "Exhibit A" and described in "Exhibit B."

5. The Commission CONDITIONS the approvals on the following terms being satisfied by November 4, 2020 unless an extension is requested and approved by the Executive Officer:

   a) Completion of the 30-day reconsideration period provided under Government Code § 56895.

   b) Submittal to the Commission of final maps and geographic descriptions of the affected territory and the associated boundary change as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.

   c) Submittal to the Commission of the following payments:

      - A check made payable to LAFCO in the amount of $50.00 to reimburse for filing notices with the County-Clerk Recorder's Office consistent with the findings in this resolution.

      - A check made payable to the State Board of Equalization for processing fees in the amount of $300.00.

6. The proposal is assigned the following distinctive short-term designation:

   "Rains – Acacia Avenue Change of Organization" (San Diego County Sanitation District)

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046. All subject landowners have provided written consent to the proposal and no subject has submitted written opposition to a waiver of protest proceedings.

8. The Commission waives conducting authority proceeding requirements under Government Code § 56662 and consistent with policy.

9. San Diego County Sanitation District is a registered-voter district.

10. San Diego County Sanitation District utilizes the regular assessment roll of the County of San Diego.

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 Code § 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges of the San Diego County Sanitation District as provided under Government Code Section 57330.

12. The effective date of the proposal shall be the date of recordation of the Certificate of Completion following completion of all terms.

13. As allowed under Government Code § 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

14. All general terms governing annexations and detachments authorized under Government Code Section 57300-57354 apply to this change of organization.

**

PASSED AND ADOPTED by the Commission on 4th of November 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Approve to Form:

_____
Holly Whatley,
Commission Counsel

Attest:

_____
Jo MacKenzie
Commission Chair

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EXHIBIT A

Placeholder for Recordation
Map of Affected Territory
and Annexation to San Diego County Sanitation District

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EXHIBIT B

Placeholder for Recordation
Description of Affected Territory
and Annexation to San Diego County Sanitation District

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PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

Part I: NOTICE OF INTENT TO CIRCULATE PETITION

Proponents are required to file a **NOTICE OF INTENT TO CIRCULATE PETITION** with the Executive Officer of the San Diego Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated (Govt. Code § 56700.4).

1. Notice is hereby given to circulate a petition proposing to: Annex to S.D. County Sanitation (Public Sewer)

2 The reason(s) for the proposal are: Failing Septic with DEH. Letter

J. Noonan

Proponent's Name (print) Signature of proponent or representative

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 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 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 X V. Norman Rains Print V. Norman Rains		5/30/2019	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign V. Norman Rains Print V. NORMAN RAINS		3/30/2019	
Sign Print			
Sign Print			
Sign Print			
Sign Print			
Sign Print			

Part V: MINIMUM SIGNATURE REQUIREMENT FOR A SUFFICIENT PETITION UNDER THE PROVISIONS OF THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

Reorganization—Signatures must comply with the applicable signature requirements for each of the changes proposed (Govt. Code § 56864.1).

District Formation—Signatures as required by the principal act under which the new district is proposed to be formed (Govt. Code § 56860).

Dissolution of a District—For registered voter district: signatures by (a) not less than 10% of the registered voters within the district; or (b) not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.
—For landowner-voter districts: signatures by not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.
—If dissolution is for inactivity, the petition must be signed by three or more registered voters or landowners within the subject district and include statement and recitations as required by Govt. Code 56871 (Govt. Code § 56870).

Consolidation of Districts—For registered voter districts: signatures by not less than 5% of the registered voters within each of the districts.
—For landowner-voter districts: signatures by landowners-voters constituting not less than 5% of the number of landowner-voters owning land within each of the several districts who also own not less than 5% of the assessed value of land within each of the districts (Govt. Code § 56865).

Merger of District with City or Establishment of a Subsidiary District—For a registered voter district: signatures by (a) 5% of the registered voters of the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district.
—For a landowner-voter district: signatures by (a) 5% of the number of landowner-voters within the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district (Govt. Code § 56866).

District Annexation or Detachment—For a registered voter district: signatures by (a) not less than 25% of the number of registered voters within the territory proposed to be annexed or detached; or (b) not less than 25% of the number of landowners within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory.
—For a landowner-voter district: signatures by not less than 25% of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory (Govt. Code § 56864).

Incorporation of a City—Signatures by: (a) not less than 25% of the registered voters residing in the area to be incorporated; or (b) not less than 25% of the number of owners of land within the territory proposed to be incorporated who also own not less than 25% of the assessed value of land within the territory proposed to be incorporated (Govt. Code § 56764).

Disincorporation of a City—Signatures by not less than 25% of the registered voters residing in the city proposed to be disincorporated (Govt. Code § 56766).

Consolidation of Cities—Signatures by not less than 5% of the registered voters of each affected city (Govt. Code § 56766).

Annexation to a City—Signatures by: (a) not less than 5% of the number of registered voters residing within the territory proposed to be annexed; or (b) not less than 5% of the number of owners of land within the territory proposed to be annexed who also own 5% of the assessed value of land within the territory (Govt. Code § 56767).

Detachment from a City—Signatures by: (a) not less than 25% of the number of registered voters residing within the territory proposed to be detached; or (b) not less than 25% of the number of owners of land within the territory proposed to be detached who also own 25% of the assessed value of land within the territory (Govt. Code § 56768).