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

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AGENDA REPORT
Public Hearing

December 6, 2021

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Priscilla Allen, Analyst I

SUBJECT: **Proposed "Winter Haven Road Change of Organization" | Expansion of Fallbrook Public Utility District's Activated Wastewater Service Area and Related Sphere of Influence Action (CO21-06 et al.)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal initiated by two interested landowners to expand and add 1.5 acres to Fallbrook Public Utility District's (PUD) activated wastewater service area. The affected territory as submitted comprises two parcels located directly across from each other on Winterhaven Road in unincorporated Fallbrook. The proposal purpose is to facilitate the extension of public wastewater service and in doing so replace an aging septic system for one parcel and accommodate the planned development of the other parcel. Staff recommends conditional approval of the proposed change of organization as submitted with a conforming amendment to Fallbrook PUD's secondary sphere of influence specific to wastewater services. Waiver of protest proceedings is also recommended.

BACKGROUND

Applicant Request

San Diego LAFCO has received a change of organization proposal by a joint landowner petition (Federico Orozco and Don Redy) requesting approval to expand Fallbrook PUD's activated wastewater service area by approximately 1.5 acres. The affected territory as

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submitted includes two noncontiguous parcels separately owned by each petitioner and identified by the County Assessor as 106-272-09 (0.56 acres) and 106-272-27 (0.95 acres). The two landowners have been brought together into a single joint proposal at the arrangement of the Fallbrook PUD to help economize costs. The first parcel is located at 1206 Winter Haven Road (09) and is presently developed with a 1,400 square foot single-family residence. The second parcel (27) is presently undeveloped although assigned a situs of 1233 Winterhaven Road. The affected territory lies entirely within Fallbrook Public Utility District's jurisdictional boundary and primary sphere of influence but outside the District's activated wastewater service area. The affected territory also lies outside Fallbrook PUD's secondary sphere of influence specific to wastewater services.

Regional Setting

The affected territory is part of the unincorporated community of Fallbrook and located within 1,000 feet of the Fallbrook High School campus. South Mission Road via Winterhaven Road provides arterial access to the affected territory and connects the subject parcels to Downtown Fallbrook to the north (approximately 5 minutes) and State Route 76 to the south (approximately 10 minutes). Aerial maps of the affected territory and its regional setting follows. Attachment One shows the affected territory relative to the proposed boundary changes involving the subject agency (Fallbrook PUD).

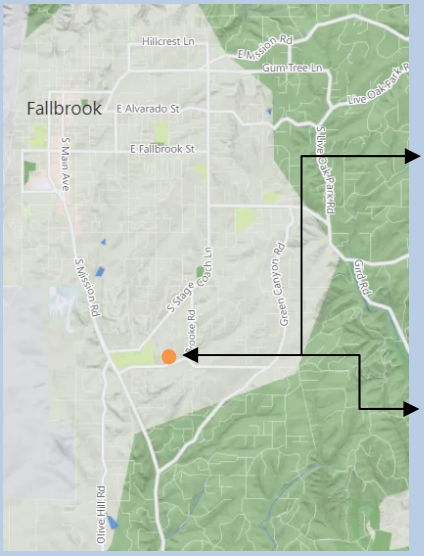
Affected Territory

Assessor Parcel Number(s):
106-272-09 and
106-272-27

Size:
1.5 acres

Landowner(s):
Federico Orozco (-09) and
Don Redy (-27)

Proposal Purpose:
(-09) Replace Septic System
(-27) Single Family Residence







Subject Agencies

The proposed change of organization before San Diego LAFCO involves one subject agency: Fallbrook PUD. A summary of the subject agency in terms of their governance, resident population, municipal functions, and financial standing follows.

- Fallbrook PUD is an independent special district formed in 1922 with an estimated residential population of 34,005. The jurisdictional boundary spans 44 square miles and includes the unincorporated communities of Fallbrook and De Luz. A directly elected five-member Board of Directors governs Fallbrook PUD and its three active municipal functions: potable water (retail); wastewater (collection, treatment, and disposal); and recycled water (retail). All service functions are activated for the entire jurisdictional boundary except for wastewater, which Fallbrook PUD activated with LAFCO approval in 1994 as successor to the Fallbrook Sanitary District. The activated wastewater service area is limited to the "Village" and "Live Oak Park" area with its own estimated service population of 13,794. LAFCO maintains a coterminous "secondary" sphere of influence specific to Fallbrook PUD's wastewater service function. Fallbrook PUD's audited net position is $98.7 million as of June 30, 2020 and has increased by 12.2% over the prior three audited fiscal years.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of ten local agencies directly subject to San Diego LAFCO. These agencies qualify as "affected agencies" relative to the proposed change of organization and listed below.[1]

- County Service Area No. 81 (Fallbrook Parks)
- County Service Area 135 (Regional Fire)
- Fallbrook Public Utility District
- Fallbrook Regional Healthcare District
- Metropolitan Water District of Southern California
- Mission Resource Conservation District
- North County Fire Protection 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 proposed change of organization to expand Fallbrook PUD's activated wastewater service area to include the affected territory. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion on proposal purpose, development opportunities, and Commission focus follows.

[1] 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.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to establish wastewater services within the affected territory from the Fallbrook PUD and in doing so facilitate the development of a single-family residence on one parcel and replace an aging septic system on the second parcel.

Development Potential

The County of San Diego's General Plan designates both subject parcels comprising the affected territory as submitted by the applicants as Village Residential (VR-2). The County also zones both subject parcels as "Rural Residential" with a minimum lot size of 0.5 acres. This zoning assignment paired with subject parcel current sizes prohibits any new density within the affected territory. Additional intensity – nonetheless – would be allowed in the form of the allowance of one accessory dwelling unit in association with a developed single-family residence. This allowance generates a maximum intensity of four dwelling units within the affected territory under current County policies.

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 interrelated merits as it relates to a (a) conforming sphere of influence action, (b) timing of the change of organization, 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 distinct subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of amending the Fallbrook PUD's secondary sphere of influence and expansion of the activated wastewater service area as well as whether modifications and/or terms are appropriate to further address Commission goals and policies. The second subsection considers other germane statutory issues required for LAFCO proposal consideration and this includes complying with 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 consider a conforming sphere of influence action to achieve consistency with the requested jurisdictional change as required under statute. The action involves amendment to the secondary sphere of influence established by LAFCO for Fallbrook PUD's wastewater service function. Consideration of the amendment is premised on the Commission's statutory responsibility to designate spheres to demark the affected agencies' appropriate future service areas relative to community needs as determined by the membership. Staff believes it would be merited for the Commission, accordingly, to proceed and approve the conforming sphere amendment to fully recognize the Fallbrook PUD as the appropriate provider of wastewater services for the affected territory. This amendment compliments the 1994 action of the Commission to authorize Fallbrook PUD to provide wastewater services in the former Fallbrook Sanitary District boundary as development/uses warrant.

CONCLUSION |
MERITS OF A CONFORMING SPHERE OF INFLUENCE AMENDMENT

Proceeding with the conforming action to amend the Fallbrook PUD secondary sphere of influence for wastewater to include the affected territory is sufficiently warranted. Justification is marked by the preceding analysis and support the Commission's determinations to designate the Fallbrook PUD as the appropriate and exclusive wastewater service provider for the affected territory going forward. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 | Change of Organization Timing

The timing of the proposed change of organization before San Diego LAFCO – and specifically expanding the Fallbrook PUD's activated wastewater service area to include the affected territory – appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with locally adopted Commission policies. Most of the prescribed review factors for the proposed change of organization focus on the service and financial capacities of the *receiving* agency, Fallbrook PUD (emphasis added). A summary of key conclusions generated in the review of these proposal factors and applicable local policies follows.

- Service Needs
  The affected territory's current and planned residential uses would be appropriately aided by the change of organization and the expansion of the Fallbrook PUD's activated wastewater service area to facilitate connections to the collection system. Additional details on relevant service needs follow.

- The Commission has previously designated Fallbrook PUD as the exclusive service provider for the affected territory for its other activated functions – potable water and recycled water – through the standing inclusion in PUD's primary sphere and jurisdictional boundary. Expansion of the activated wastewater service area to include the affected territory harmonizes with these existing service authorizations and accommodates the expressed interest of the landowners to establish wastewater services as evident by initiating the change of organization.

- The affected territory's landowners (Federico Orozco and Don Redy) have provided their written consent to the proposed change of organization in conjunction with their interest to facilitate the planned development of a single-family residence (-27, Redy) and replace an aging septic system (-09, Orozco). These factors help to quantify the timing appropriateness by explicitly syncing the change of organization to known landowner (i.e. community) needs.

- Service Capacities and Levels
  Fallbrook PUD would directly assume wastewater service responsibilities for the affected territory upon approval of the change of organization. A review of Fallbrook PUD shows the District has sufficient wastewater capacities and related resources to readily accommodate demands within the affected territory at its planned uses without expanding any public infrastructure. Additional details follow.

  - Fallbrook PUD projects the proposed change of organization's demand for the affected territory and its planned uses (two single-family residences) at a maximum daily average of 0.001 million gallons. This projection translates to approximately 500 gallons per day for each residence. The projected daily demand equals .037% of the available excess capacity currently available to Fallbrook PUD. The maximum density development and addition of two accessory dwelling units doubles this consumption usage to 0.72% of available capacity and not considered substantive. Actual service to the affected territory from Fallbrook PUD is accessible through an existing collection pipeline located adjacent to each property and within Winter Haven Road.

- Service Funding and Costs
  Fallbrook PUD has financial resources coupled with administrative controls to provide wastewater services to the affected territory in support of its planned uses without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Fallbrook PUD's recent audited statements which shows – among other measurements – Fallbrook PUD remained profitable over the last three audited fiscal years with an average total margin of 11.3%.

CONCLUSION |
MERITS OF CHANGE OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization to expand Fallbrook PUD's wastewater service area to include the affected territory is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the existing need for wastewater service for the affected territory through readily accessible public infrastructure and capacities. Additional analysis supporting the conclusion is provided in Appendix B.

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 noting expansion of the activated wastewater service area for Fallbrook PUD would not result in any unserved corridors or other boundary irregularities for the subject agency. Staff is recommending applying standard terms of approval under Government Code Section 57302.

CONCLUSION |
MODIFICATIONS AND TERMS

No modifications to the proposed change of organization appear merited as detailed. Standard approval terms are recommended under Government Code Section 57302.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego and subject agencies to submit an adopted resolution to LAFCO agreeing to accept the exchange of property tax revenues associated with the proposed change of organization. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts without consultation unless the affected agencies request otherwise. Staff has confirmed the County has adopted a master enterprise district resolution applicable for the proposed change of organization. The County's adopted master property tax exchange resolution specifies no transfer of property taxes would occur following the proposed change of organization of the affected territory with Fallbrook PUD.

Environmental Review

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

- San Diego LAFCO serves as lead agency under CEQA for the conforming amendment to Fallbrook PUD's secondary sphere of influence specific to wastewater services to accommodate the proposed change of organization. It is recommended the Commission find this action 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 serves as lead agency under CEQA for assessing potential impacts of the proposed change of organization and expansion therein of Fallbrook PUD's activated wastewater service area to include the affected territory. Staff believes the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(b) and its cross- reference to Section 15303. This exemption appropriately applies given the proposed change of organization could potentially accommodate no more than two single-family residences 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 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 jurisdictional change.

RECOMMENDATION

Staff recommends San Diego LAFCO conditionally approve the proposed change of organization as submitted along with a conforming sphere of influence action. 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 conditionally approving the change of organization proposal as submitted and conforming amendment to Fallbrook PUD's secondary sphere of influence. This also includes making required exemption findings under CEQA

Alternative Two:
Continue consideration to a future meeting and provide direction to staff concerning additional information, as needed.

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 for action as part of a noticed public hearing. The following procedures are recommended in the consideration of this item:

1. Receive verbal presentation from staff unless waived.
2. Open the public hearing and invite comments from the applicant and general public.
3. Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,

Pricilla Allen
Analyst I

Appendices:

A) Analysis of Sphere of Influence Determinations
B) Analysis of Proposal Review Factors

Attachments:

1) Vicinity Maps of the Affected Territory
2) Draft Resolution of Approval
3) Application Materials

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APPENDIX A

STATEMENT OF DETERMINATIONS
SPHERE OF INFLUENCE FACTORS
Government Code Section 56425

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

The affected territory involves two noncontiguous unincorporated parcels spanning 1.5 acres. Parcel (09) is presently developed with a 1,400 square-foot single-family residence and 0.56 acres in total size. Parcel (27) is vacant and is 0.95 acres in size. Both subject parcels are designated and zoned for rural residential uses by the County of San Diego. Both parcels are also mapped with Statewide Significant Soils. Parcel (27) is separately also mapped by the County as Farmland of Local Importance. Amending the secondary sphere for wastewater services to include the affected territory is consistent with these planned uses and protects the underlying soils from unmanaged sewage waste.

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

There is an existing need for public wastewater services within the affected territory and the two subject parcels therein. This includes facilitating the replacement of an aging septic system (Parcel 09) and development of a single-family residence consistent with County zoning (Parcel 27). Amending the secondary sphere for wastewater services to include the affected territory is consistent with these present and probable service needs.

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

Fallbrook PUD has existing infrastructure and related capacities to readily accommodate wastewater demands within the affected territory. Projected demands for wastewater within the affected territory are not expected to consume more than 1% of Fallbrook PUD's available system capacity at the subject parcels' maximum (density and intensity) uses. Amending the secondary sphere for wastewater services to include the affected territory is consistent with these capacities.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The affected territory maintains social and economic ties with Fallbrook PUD in step with being already within the District's primary sphere and jurisdictional boundary. Amending the secondary sphere for wastewater services to include the subject parcels strengthens these existing communities of interests.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

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

APPENDIX B

PROPOSAL REVIEW FACTORS
Government Code Section 56668

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 as submitted includes two unincorporated and noncontiguous parcels within the community of Fallbrook and totaling 1.5 acres. Each parcel is separately owned by each petitioner and identified by the County Assessor as 106-272-09 (0.56 acres) and 106-272-27 (0.95 acres). The current combined total assessed value of the subject parcels is $411,505 with the last transactions recorded for 106-272-09 in July 2018 and 106-272-27 in July 2019. The affected territory lies within a developing rural-residential area of the County of San Diego and within the Fallbrook unincorporated community. Moderate to significant growth is anticipated in the surrounding area within the next 10-year period.

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 (fire, police, animal control, etc.). Fallbrook PUD is the authorized potable water service provider for the affected territory. This proposal affects only the wastewater service provision to the affected territory and is the focus of the succeeding analysis.

- **Extending Public Wastewater Service to the Affected Territory**
  Fallbrook PUD projects the proposed change of organization's wastewater demand for the affected territory and its planned uses (two single-family residences) at a maximum daily average of 0.001 million gallons. This projection translates to approximately 500 gallons per day for each residence. The projected daily demand equals .037% of the available excess capacity currently available to Fallbrook PUD. The maximum density development and addition of two accessory dwelling units doubles this consumption usage to 0.72% of available capacity. Actual service to the affected territory from Fallbrook PUD is accessible through an existing collection pipeline located adjacent to each property and within Winter Haven Road.

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 proposal and expansion of the activated wastewater service area to include the affected territory would strengthen economic and social interests between the District and the subject parcels. These ties exist via the current inclusion of the affected territory within the Fallbrook PUD jurisdictional boundary and access therein to its potable water function. Approval would further consolidate Fallbrook PUD's role in supporting the subject parcels' planned uses to include access to its wastewater function.

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.

Approval would be consistent with the Commission's adopted policies to sync urbanized uses with urbanized services and promote infill uses. The affected territory does not contain "open-space" as defined under LAFCO law and no conflicts exists under Government Code 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 contain "prime agricultural land" or "agricultural land" as defined under LAFCO law or further prescribed in local Commission policy. 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 change of organization proposal and expansion of Fallbrook PUD's wastewater service area 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. Approval would be conditioned on a final map and description conforming to the referenced standards and address any modifications required by the Commission. Approval for the change of organization of the affected territory would not create any new service islands or corridors of unincorporated territory.

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

A notice of the proposed change of organization provided to the San Diego Association of Governments or SANDAG did not generate any comments, and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

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

The purpose of the proposed change of organization to facilitate the connection of two parcels to Fallbrook PUD's public wastewater system is consistent with the County of San Diego General Plan, which designates the affected territory for residential uses. The affected territory is not located within any city sphere o influence.

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

See Appendix A.

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 for distribution on November 29, 2021.

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.

Should the proposed change of organization be approved, Fallbrook PUD will assume legal responsibility to provide wastewater services to the affected territory. This service is organized as an enterprise and will be financed using user fees. The staff analysis of Fallbrook PUD's last three audited statements shows – among other items – the District has been effectively managed and reflected in an average total margin (i.e., bottom line) of 11.3%.

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

The affected territory is presently within the Fallbrook PUD retail domestic 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 for the proposed residential uses.

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 expansion of Fallbrook PUD's authorized wastewater service area would not affect this assignment.

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

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. Notice of the proposal and associated public hearing scheduled on December 6th has been published in local newspapers with no comments received by the date of the agenda report.

o) Any information relating to existing land use designations.

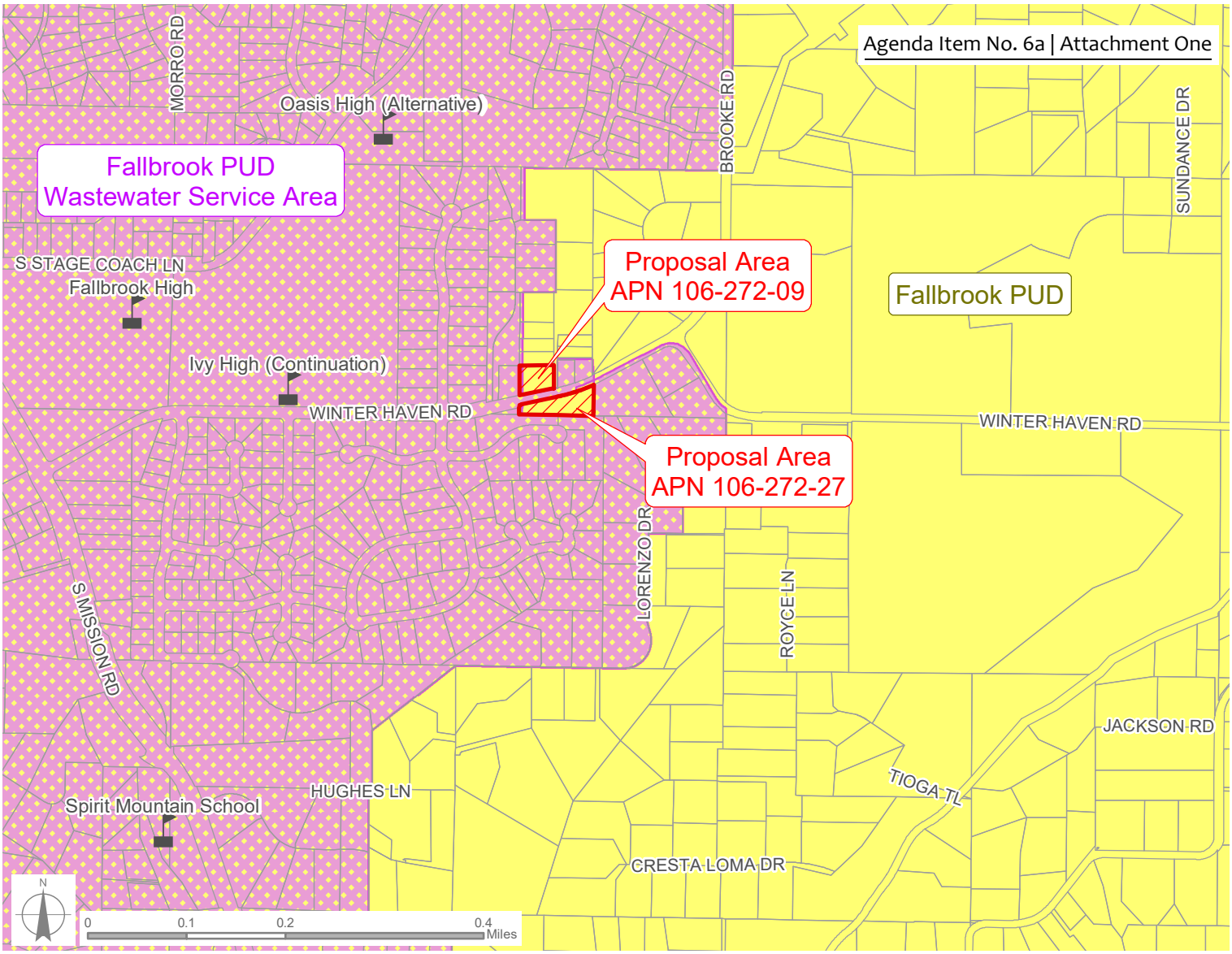
Please see above analysis for (h).

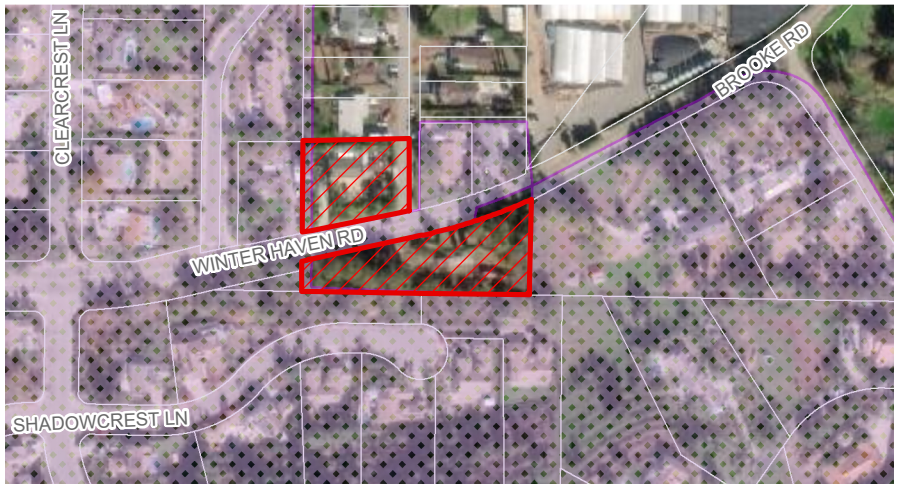
p) The extent to which the proposal will promote environmental justice.

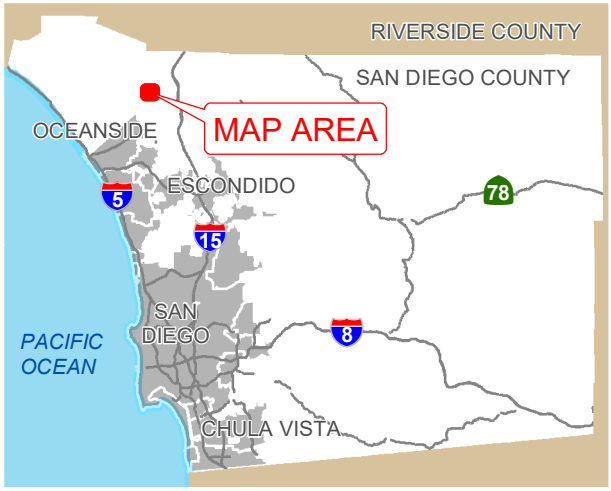
As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities and therefore approval is not anticipated to directly influence the promotion of environmental justice within 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 County of San Diego General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies within "moderate risk" fire and earthquake hazard zones. Following the proposed change of organization, North County Fire Protection District would continue to provide fire protection and EMS service functions and responsibilities within the affected territory.







CO21-06 "WINTER HAVEN ROAD CHANGE OF ORGANIZATION" | PROPOSED EXPANSION OF FALLBROOK PUD'S WASTEWATER SERVICE AREA

- Proposal Area
- Fallbrook PUD
- FPUD Wastewater Service Area

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

"WINTERHAVEN ROAD CHANGE OF ORGANIZATION"
EXPANSION OF ACTIVATED WASTEWATER SERVICE AREA
AND RELATED SPHERE OF INFLUENCE ACTION
LAFCO FILE NO. CO21-06

WHEREAS, on August 5, 2021, landowners Federico Orozco and Don Redy filed a joint landowner petition application to initiate proceedings 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 expand Fallbrook Public Utility District's (PUD) activated wastewater service area by approximately 1.5 acres of unincorporated territory within the County of San Diego; and

WHEREAS, the affected territory as proposed is divided between two non-contiguous parcels, one developed and one vacant, identified by the County of San Diego Assessor's Office as 106-272-09 and 106-272-27; and

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

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

WHEREAS, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on December 6, 2021; and

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

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

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

2. At the public meeting, the Commission considered the Executive Officer's report.

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the two distinct "projects" associated with the proposed change of organization and as detailed in the Executive Officer's report: (a) the change of organization and (b) the related conforming sphere of influence action. The Commission's findings follow.

   - San Diego LAFCO serves as lead agency under CEQA for the conforming amendment to Fallbrook PUD's secondary sphere of influence specific to wastewater services to accommodate the proposed change of organization. It is recommended the Commission find this action 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 serves as lead agency under CEQA for assessing potential impacts of the proposed change of organization and expansion therein of Fallbrook PUD's activated wastewater service area to include the affected territory. Staff believes the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(b) and its cross- reference to Section 15303. This exemption appropriately applies given the proposed change of organization could potentially accommodate no more than two single-family residences based on current zoning.

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

   a) Expansion of the Fallbrook PUD's wastewater service area to the affected territory is shown in "Exhibit B-1" and described in "Exhibit B-2."

   b) The sphere of influence for the Fallbrook PUD wastewater service area is amended to include the affected territory as shown in "Exhibit B-1."

5. The Commission CONDITIONS all approvals on the following terms being satisfied by December 6, 2022 unless an extension is requested and approved by the Executive Officer:

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

   b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.

c) Submittal to the Commission of the following payments:

- A check made payable to LAFCO in the amount of $50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.

- A check made payable to the State Board of Equalization for processing fees in the amount of $350.00.

- A check made payable to San Diego LAFCO in the amount of $658.50 to reimburse the public hearing notice published in the San Diego Union Tribune.

d) Submittal of confirmation to the Executive Officer from Fallbrook PUD that all respective annexation terms and conditions have been satisfied by the landowner.

6. The Commission assigns the proposal the following short-term designation:

   "Winterhaven Road Change of Organization"

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

8. The Commission waives conducting authority proceedings under Government Code Section 56662.

9. The Fallbrook Public Utility District is a registered-voter district.

10. The Fallbrook Public Utility 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 Fallbrook Public Utility District as provided under Section 57328.

12. The effective date of the approval a shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.

13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.

14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.

15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on December 6, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

**

Attest:

_____
Keene Simonds
Executive Officer

EXHIBIT A
SPHERE OF INFLUENCE DETERMINATIONS

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

The affected territory involves two noncontiguous unincorporated parcels spanning 1.5 acres. Parcel (09) is presently developed with a 1,400 square-foot single-family residence and 0.56 acres in total size. Parcel (27) is vacant and is 0.95 acres in size. Both subject parcels are designated and zoned for rural residential uses by the County of San Diego. Both parcels are also mapped with Statewide Significant Soils. Parcel (27) is separately also mapped by the County as Farmland of Local Importance. Amending the secondary sphere for wastewater services to include the affected territory is consistent with these planned uses and protects the underlying soils from unmanaged sewage waste.

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

There is an existing need for public wastewater services within the affected territory and the two subject parcels therein. This includes facilitating the replacement of an aging septic system (Parcel 09) and development of a single-family residence consistent with County zoning (Parcel 27). Amending the secondary sphere for wastewater services to include the affected territory is consistent with these present and probable service needs.

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

Fallbrook PUD has existing infrastructure and related capacities to readily accommodate wastewater demands within the affected territory. Projected demands for wastewater within the affected territory are not expected to consume more than 1% of Fallbrook PUD's available system capacity at the subject parcels' maximum (density and intensity) uses. Amending the secondary sphere for wastewater services to include the affected territory is consistent with these capacities.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The affected territory maintains social and economic ties with Fallbrook PUD in step with being already within the District's primary sphere and jurisdictional boundary. Amending the secondary sphere for wastewater services to include the subject parcels strengthens these existing communities of interests.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

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

EXHIBIT B-1
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

Blank for Photocopying

Fallbrook Public Utility District

990 East Mission Road
Fallbrook, California
92028-2232
www.fpud.com
(760) 728-1125

Board of Directors

Dave Baxter
Division 1

Ken Endter
Division 2

Jennifer DeMeo
Division 3

Don McDougal
Division 4

Charley Wolk
Division 5

Staff

Jack Bebee
General Manager

David Shank
Assistant General Manager/ Chief Financial Officer

Lauren Eckert
Executive Assistant/ Board Secretary

General Counsel

Paula de Sousa
Best Best & Krieger

San Diego LAFCO
9335 Hazard Way, Ste 200
San Diego, CA 92123

7/26/2021

To whom it may concern,

I am writing to you from the Fallbrook Public Utility District (FPUD) engineering department. Please find the enclosed LAFCO Application for the addition of two (2) parcels to our Sewer Service Area, and a check for the fees for this "single Jurisdictional change", under a CEQA Exemption, for $6,405.00.

As described in the application these parcels are across the street from one another and abut the current sewer service area boundary. One of the parcels is in a "donut hole" in the District which will then be completely filled in. These additions to the sewer service area will be completely within the FPUD sphere of influence.

I have attempted to provide a complete application for the annexation to the Sewer Service Area in FPUD, on behalf of the interested parties. If there is anything else that is needed or if you have any questions please do not hesitate to contact me at Soleil@fpud.com or 760-999-2717.

Can you please let me know that you have received this and include an estimate of how long this application process might take? I am sure the customers are interested in knowing this information as well.

Best regards,
Soleil Develle
Engineering Technician III
760-999-2717
soleil@fpud.com

LAFCO APPLICATION

FALLBROOK PUBLIC UTILITY DISTRICT
SEWER SERVICE AREA ANNEXATION

Print Form

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

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

☑ 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**

☑ 2. (a) A **certified resolution of application** from an affected city or district; **or**

(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or http://www.sdlafco.org/forms/petition.pdf).

☑ 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map,** and a **vicinity map.** For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.

☑ 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:

(a) INITIAL STUDY: Submit completed form (available from LAFCO) if no environmental review has been conducted;

(b) CATEGORICAL EXEMPTION: Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;

(c) NEGATIVE DECLARATION (ND): Submit document with certifying resolution and Initial Study*;

(d) ENVIRONMENTAL IMPACT REPORT (EIR): Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.

NA ☐ 5. If annexation to a city is proposed, submit one copy of the **city resolution approving prezoning and general plan land-use designations** for the proposal territory.

NA ☐ 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.

☑ 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).

☑ 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).

☑ 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from ***each*** subject agency.

☑ 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at http://www.sdlafco.org/document/feeschedule.pdf, or contact LAFCO staff.

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

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. Fallbrook Public Utility District	1. Annexation for Sewer Service Area
2.	2.
3.	3.
4.	4.

As part of this application, the city of NA or the Fallbrook Public Utility district, Fallbrook PUD (the applicant), and/or the FEDERICO OROZCO (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul the approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of NA or the Fallbrook PUD -Sewer Service district may result in the imposition of taxes, fees and assessments ***existing within the (city or district)*** on the effective date of annexation. I hereby waive any rights I may have under Articles XIIIC and XIIID of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those ***existing taxes, fees and assessments.***

Agreed:

Signature: Federico Orozco Date: 6/19/21

Print/Type Name: FEDERICO OROZCO

Address: 1206 WINTERHAVEN RD FALLBROOK CA 92028

Telephone: (760) 802-6879

Property Address: 1206 WINTER HAVEN RD FALLBROOK CA 92028

Cross Street(s): HUMMINGBIRD HILL LN FALLBROOK CA 92028

Assessor Parcel Number(s): 106-272-09-00 Acres: 0.56

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

Name:

Address:

Telephone: ( )

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. Fallbrook Public Utility District	1. Annexation for Sewer Service Area
2.	2.
3.	3.
4.	4.

As part of this application, the city of NA or the Fallbrook Public Utility district, Fallbrook PUD (the applicant), and/or the Don Rady, US Financial LP (real party in interest: subject landowner and/or registered voter) agree to defend, indemnity, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul the approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of NA or the Fallbrook PUD -Sewer Service district may result in the imposition of taxes, fees and assessments *existing within the (city or district)* on the effective date of annexation. I hereby waive any rights I may have under Articles XIIIC and XIIID of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those *existing taxes, fees and assessments.*

Agreed:

Signature: [redacted] Date: 6-9-21

Print/Type Name: US Financial LP by Don Rady

Address: [redacted] 1919 Grand Ave #2F, San Diego 92109

Telephone: 619-838-4819

Property Address: Winterhaven Rd, Fallbrook 92082

Cross Street(s): Hummingbird LANE

Assessor Parcel Number(s): 106-272-27-00 Acres: 0.95

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

Name:

Address:

Telephone: ( )

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary ***at this time*** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.).
The Fallbrook Public Utility (FPUD) - Sewer Service Area is subject to a request by 2 property owners to annex into the Sewer Service Area in order to use the sewer system. One parcel (106-272-09) is experiencing septic failure issues, and the other (106-272-27) is undeveloped and requires connection to Sewer.

2. Describe the use of ***developed*** property within the proposal territory, including details about existing structures. Describe anticipated development of ***vacant*** property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur.
Parcel 106-272-09 (0.56 Ac) has a single family residence and a failing septic system, according to the owner. Parcel 106-272-27 (0.95 Ac) is an undeveloped, vacant lot, that is in the process of being developed for a single family residence. They have requested to connect to the sewer and have initiated this application process.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc.
Both properties are across Winter Haven Rd from each other and have Hummingbird Lane as a cross street. They are about 0.5 mile from S. Mission Road and 4.2 miles from the 76, to the south. Both parcels are adjacent to the Sewer Main, the Sewer Service Area and within the FPUD boundary.

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

5. How many of these residents are registered voters? 4

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

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

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

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

1. COUNTY:

(a) The territory is within the Fallbrook community plan.

(b) The County General Plan or community plan designation and allowed density: The Fallbrook Community boundary encompasses these parcels, with a designation of VR-2

(c) Current County zoning and allowed density: VR-2: 2 EDU per Acre.

2. CITY:

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

(b) The City General Plan land use designation and allowed density: NA

(c) Current City zoning and allowed density: NA

(d) Current City prezoning and allowed density: NA

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

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map		NA	☐YES ☐NO
Tentative Parcel Map		NA	☐YES ☐NO
Major Use Permit		NA	☐YES ☐NO
City/County General Plan Amendment		NA	☐YES ☐NO
City Prezoning		NA	☐YES ☐NO
County Rezone		NA	☐YES ☐NO
(Other)		NA	☐YES ☐NO

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

North: Residential East: Residential

South: Residential West: Residential

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

☐ Agricultural land uses ☐ Agricultural Preserve

☐ Open Space Easement ☐ Slopes greater than 25%

☐ Sewer moratorium area ☐ Coastal Permit Zone

☐ Unusual features such as: -- NA

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

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? ☒YES ☐NO

   (b) ***If yes,*** which agency? Fallbrook Public Utility District

2. (a) Is a developed parcel in need of annexation due to failed septic system? ☒YES ☐NO

   (b) ***If yes,*** include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company. NOT AVAILABLE

   (c) ***If no,*** is annexation for sewer service part of this application? ☒YES ☐NO

3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? Fallbrook Public Utility District

4. (a) Has the agency that will be providing service issued a letter of sewer availability? ☐YES ☒NO

   (b) ***If yes,*** please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) Will the agency be prepared to furnish sewer service upon annexation? ☒YES ☐NO

   (b) ***If no,*** please explain:

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? ☒YES ☐NO

   (b) ***If yes,*** which agency? Fallbrook Public Utility District

2. Is a well or other on-site water system currently used on the property? ☐YES ☒NO

3. Is an on-site system proposed to be used when the property is developed? ☐YES ☒NO

4. (a) Is annexation for water service part of this application? ☐YES ☒NO

   (b) ***If yes,*** which district or city would serve the territory if this jurisdictional change is approved? NA

   (c) Will the agency that will be providing service be prepared to furnish water service upon annexation? ☒YES ☐NO

5. (a) Has the agency that will be providing service issued a letter of water availability? ☐YES ☒NO

   (b) ***If yes,*** please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

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

1. (a) Is the proposal territory ***currently*** within an agency that provides fire protection? ☐YES ☐NO

   (b) ***If yes,*** provide name and address/location of current fire service provider
   NA

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

   priority_____ minutes; non-priority_____ minutes

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

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

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

   (b) Estimated response times to the proposal territory:

   Priority_____ minutes; non-priority_____ minutes

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

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

   NA

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

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

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

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

   (b) Estimated response times to the proposal territory:

   Priority_____ minutes; non-priority_____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than $250 from any party[1] or agent[2] while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

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

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

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

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

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

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

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization:
Add 2 parcels to FPUD Sewer Service Area

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

1. NA

2. NA

(c) Date and amount of contribution:

Date NA Amount $ _____

Date _____ Amount $ _____

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

1. NA

2. _____

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

Printed Name _____

Signature _____

Date _____ Phone _____

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

DISCLOSURE OF POLITICAL EXPENDITURES

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

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

- Any person or combination of persons who, for political purposes, directly or indirectly contributes $1,000 or more, or expend $1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes $1,000 or more, or expends $1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from http://www.sdlafco.org/document/CommRoster.pdf

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

   ☐ Yes

   ☒ No

   Date of contribution NA Amount $ _____

   Name/Ref. No. of LAFCO proposal _____

   Date proposal submitted to LAFCO _____

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

   ☐ Yes

   ☒ No

   Date of contribution _____ Amount $ _____

   Name/Ref. No. of LAFCO proposal _____

   Date proposal submitted to LAFCO _____

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

   ☐ Yes

   ☒ No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

[1] Territory included within a proposed boundary change that includes less-than 12 registered voters is considered ***uninhabited*** (Government Code 56045).

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

(Please list all proposed actions)

Annexation to: 1. Fallbrook Public Utility District - Sewer Service Area

2. _____

3. _____

Detachment from: 1. _____

2. _____

3. _____

	Date	Signature	Assessor's Parcel Number(s)
1.	(6/14/21)	Fabricio Ayala	106-272-09
2.			106-272-27
3.			
4.			
5.			

Attach additional sheets if necessary

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

[1] Territory included within a proposed boundary change that includes less-than 12 registered voters is considered ***uninhabited*** (Government Code 56045).

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

(Please list all proposed actions)

Annexation to: 1. Fallbrook Public Utility District - Sewer Service Area

2. _____

3. _____

Detachment from: 1. _____

2. _____

3. _____

Date	Signature	Assessor's Parcel Number(s)
1.		106-272-09
2. 6-9-21		106-272-27
3.		
4.		
5.		

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

Signature of agency representative

Jack Bebee
Print name

General Manager
Title

760-728-1125
Telephone

6/16/21
Date

A. JURISDICTIONAL INFORMATION:

Name of agency:
Fallbrook Public Utility District

1. Is the proposal territory within the agency's sphere of influence? Yes☒ No☐
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes☐ No☒
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes☐ No☒
4. Will the proposal territory assume any existing bonded indebtedness? Yes☐ No☒

   If yes, indicate any taxpayer cost: $
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes☒ No☐

   If yes, please provide details of all costs: The District (FPUD) has established fees for annexed parcels, per EDU, at a rate of $11,389 / EDU, payable upon connection.
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes☐ No☒
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes☐ No☒
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes☐ No☒
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

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

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? 2.7 MGD

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? 1.6 MGD

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)? 3.2 MGD

   (b) What is the agency's peak flow capacity (expressed in million gallons per day)? 4.7 MGD

   (c) Has the agency exceeded the flow (peak) capacity within the past two years?

   (d) ***If yes,*** please describe the frequency and volume of incidents that exceeded the agency's peak capacity: ☐YES ☒NO

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? ☐YES ☒NO

   (b) ***If yes,*** please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? 3 EDUs. Each parcel (2) with one residence plus (1) ADU.

   (b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? ☒YES ☐NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? ☒YES ☐NO

   (b) ***If yes,*** please specify the proposal territory 's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):
   The addition of 2 parcels will have a negligible impact to the sewer demand.

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

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

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 0 feet.

   (b) Describe the location of the connection to the agency's existing sewer system:

   Each Parcel is adjacent to an existing sewer mainline.

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? ☒YES ☐NO

   (b) ***If yes,*** describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):
   The subject of this application is for Sewer service area only. Water service is currently available.

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

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): NA ☐YES ☐NO

3. (a) Has the agency issued a letter of water availability for the proposal territory? ☐YES ☒NO

   (b) ***If yes,*** please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

4. (a) The distance for connection of the proposal territory to the agency's existing water system is NA feet.

   (b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? ☐YES ☒NO

   (b) ***If yes,*** describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? ☐YES ☒NO

   (b) ***If yes,*** describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

   (c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.

   (d) Describe the location of the connection to the agency's existing reclaimed water system:

   (e) ***If no,*** has the agency considered availability of reclaimed water to the proposal territory? ☐YES ☒NO

   (f) What restrictions prevent use of reclaimed water? Residential property

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

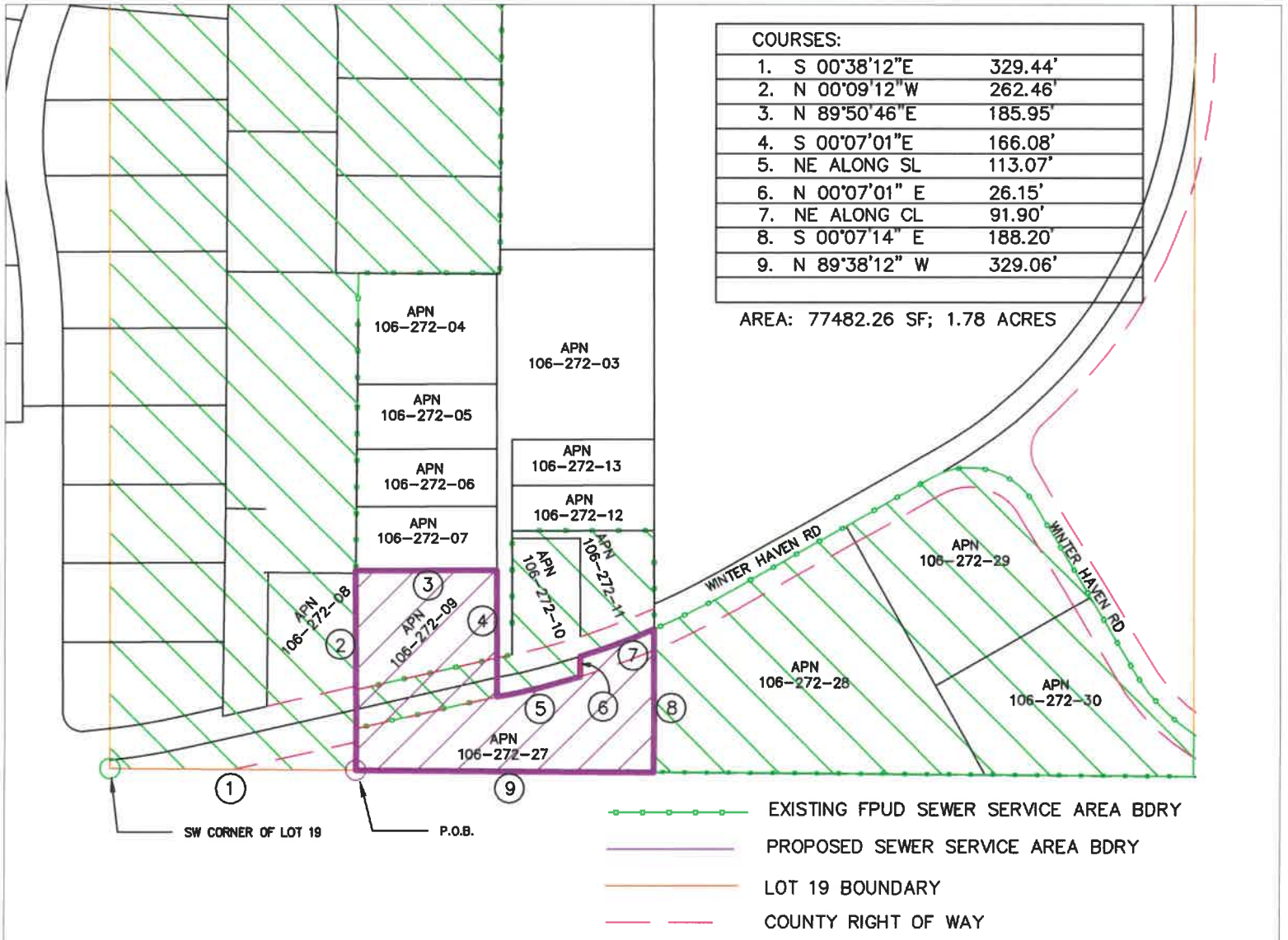
LAFCO APPLICATION - 7/1/2021

FALLBROOK PUBLIC UTLITY DISTRICT SEWER SERVICE AREA - ANNEXATION

PARCEL "A"

THAT PORTION OF LOT 19, TRACT "D", OF THE SUBDIVISION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO.821 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUINTY SEPTEMBER 26, 1896, DESCRIBED AS FOLLOWS:

(1) **BEGINNING** AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 19, DISTANT THEREON SOUTH 89°38'12" EAST, 329.44 FEET, FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF THE WEST 10 ACRES OF SAID LOT;
(2) THENCE NORTH 00°09'12" WEST, 262.46 FEET, ALONG THE EAST LINE OF SAID LAND;
(3) THENCE NORTH 89°50'46" EAST 185.95 FEET, TO THE WESTERN BOUNDARY OF PARCEL 4, MAP 10212, FILED IN THE COUNTY RECORDER'S OFFICE OF SAID COUNTY OF SAN DIEGO;
(4) THENCE SOUTH 00°07'01" EAST 166.08 FEET ALONG SAID BOUNDARY OF SAID PARCEL MAP TO THE SOUTHERLY LINE OF SAID ROAD SURVEY NUMBER 398;
(5) THENCE, NORTHEASTERLY ALONG SAID SOUTHERLY BOUNDARY TO A POINT DISTANCE 113.07 FEET MORE OR LESS, TO INTERSECT WITH A PARALLEL LINE 90 FT EASTERLY OF THE EASTERN BOUNDARY OF SAID PARCEL MAP 10212;
(6) THENCE NORTH 0°07'01" EAST 26.15 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID ROAD SURVEY;
(7) THENCE NORTHEASTERLY ALONG SAID CENTERLINE 91.90 FEET, TO INTERSECT WITH A LINE BEARING SOUTH 00°07'14" EAST;
(8) THENCE SOUTH 00°07'14" EAST, ALONG SAID LINE, 188.20 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID LOT 19;
(9) THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF LOT 19, N 89°38'12" W 329.06 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING,** AND CONTAINING 1.78 ACRES, MORE OR LESS.



0 200 400 Feet

FALLBROOK PUBLIC UTILITY DIST.
SEWER SERVICE AREA ANNEXATION

BEING A PORTION OF LOT 19, TRACT "D", SUBDIVISION OF RANCHO MONSERATE, SAN DIEGO COUNTY, CALIFORNIA

ASSESSORS PARCEL NUMBERS:	LAFCO RESOLUTION NO.	ACREAGE:	DATE:	SCALE:
1062720900, 1062722700		1.78	7/5/2021	

FPUD ENGINEERING DEPT.
990 E. MISSION ROAD
FALLBROOK, CA 92028
760-999-2713

CUSTOMER APPLICATION

(APN 106-272-09) LEGAL DESCRIPTION

June 14, 2021

Fallbrook Public Utility District

990 E Mission Rd

Fallbrook CA 92028

Subject: annexation to the Sewer Service Area, APN 106-272-09-00

To: the Board of the Fallbrook Public Utility District

We respectfully request that our property be annexed into the Fallbrook Public Utility District Sewer Service Area.

The reason for this request is the septic System is failing and we are unable to install a new leach field due to hardscape and other obstacles.

This property is 0.56 acres and is located at the intersection of Winter Haven Rd and Hummingbird Hill Lane, in the northwesterly corner of said intersection. Existing sewer mainline is located in Winter Haven Rd, in front of the subject property, and would not require any offsite sewer mainline extensions.

Your consideration of this request will be greatly appreciated.

Respectively submitted

Fredrico Orozco

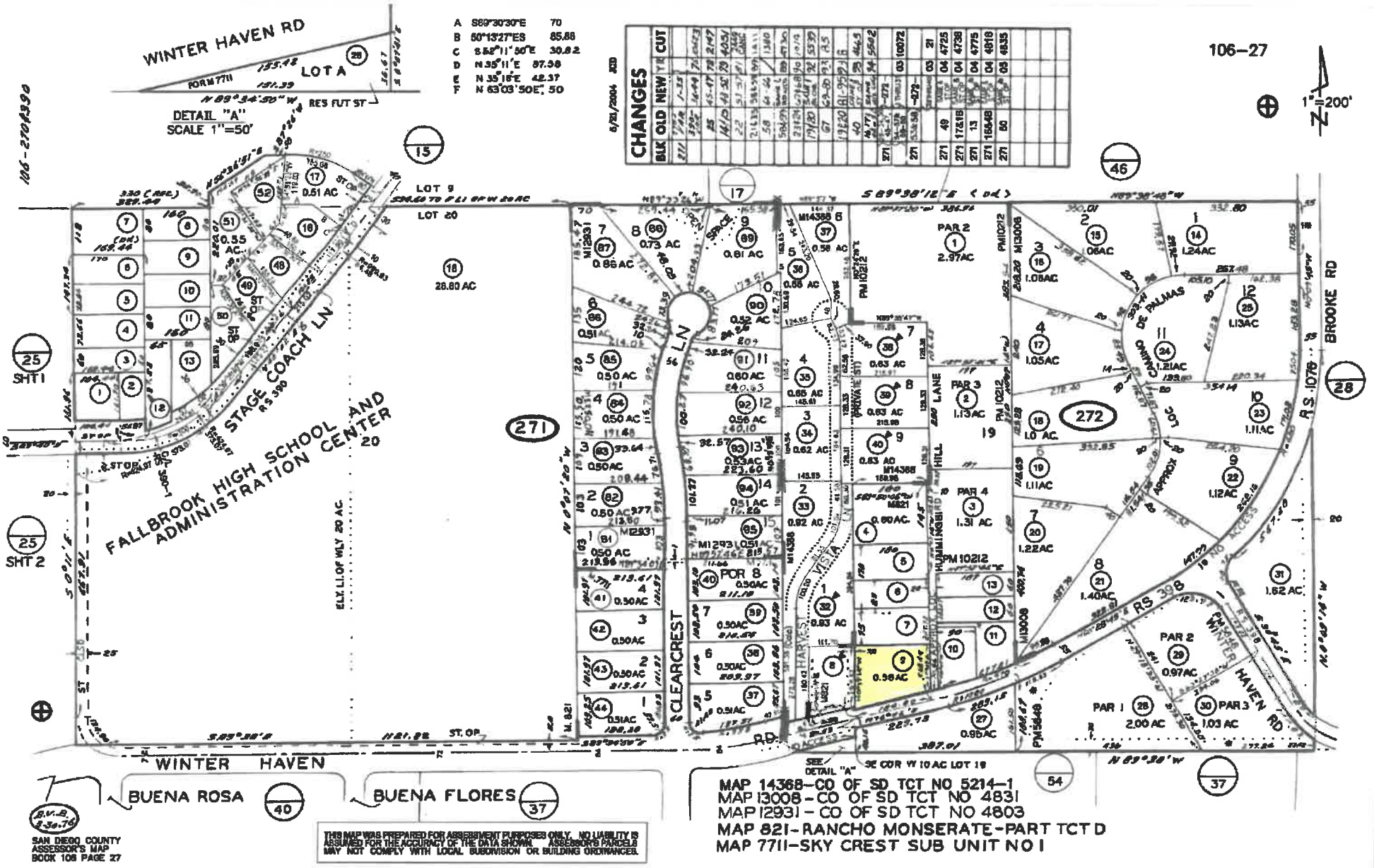

106-27
WINTER HAVEN RD
LOT A
DETAIL "A"
SCALE 1"=50'
CHANGES
STAGE COACH LN
FALLBROOK HIGH SCHOOL AND ADMINISTRATION CENTER
CLEARCREST
HARVEST
VISTA
HILL
LANE
DE PALMAS
CAMINO
BROOKE RD
WINTER HAVEN RD
RS 398
RS 1076
WINTER HAVEN
BUENA ROSA
BUENA FLORES
SAN DIEGO COUNTY ASSESSOR'S MAP BOOK 106 PAGE 27
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.
MAP 14368-CO OF SD TCT NO 5214-1
MAP 13008-CO OF SD TCT NO 4831
MAP 12931-CO OF SD TCT NO 4803
MAP 821-RANCHO MONSERATE-PART TCT D
MAP 7711-SKY CREST SUB UNIT NO 1

EXHIBIT "A"

LEGAL DESCRIPTION

APN: 106-272-09

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WESTERLY 180.00 FEET OF THAT PORTION OF LOT 19 OF THE SUBDIVISION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 821 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 26, 1896, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 19, DISTANT THEREON SOUTH 89°38'12" EAST, 329.44 FEET FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF THE WEST 10 ACRES OF SAID LOT CONVEYED TO GARDNER H. NARBONNE, BY DEED DATED APRIL 30, 1914 AND RECORDED IN BOOK 653, PAGE 55 OF DEEDS, RECORDS OF SAID COUNTY; THENCE NORTH 00°09'12" WEST ALONG THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE 80.15 FEET TO THE TRUE POINT OF BEGINNING, SAID LAST MENTIONED POINT ALSO BEING A POINT ON THE CENTER LINE OF COUNTY ROAD SURVEY NO. 398, AS FILED IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY; THENCE ALONG THE CENTER LINE OF SAID COUNTY ROAD, NORTH 76°46'00" EAST 229.73 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1000.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, 171.83 FEET THROUGH AN ANGLE OF 09°50'42" TO A POINT ON THE WEST LINE OF THE EAST 21.65 ACRES OF SAID LOT AS CONVEYED TO A. W. MORTON, BY DEED DATED JANUARY 6, 1914 AND RECORDED IN BOOK 643, PAGE 49 OF DEEDS; THENCE ALONG THE WEST LINE OF SAID EAST 21.45 ACRES, NORTH 00°09'14" WEST 250.00 FEET; THENCE PERPENDICULAR TO THE WEST LINE OF SAID EAST 21.65 ACRES, SOUTH 89°50'46" WEST 187.00 FEET; THENCE PARALLEL TO THE WEST LINE OF SAID EAST 21.65 ACRES, NORTH 00°09'14" WEST 219.43 FEET; THENCE PERPENDICULAR TO THE WEST LINE OF SAID EAST 21.65 ACRES, SOUTH 89°50'46" WEST 200.00 FEET TO A POINT ON THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE; THENCE ALONG THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE, SOUTH 00°09'14" EAST 574.46 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTHERLY 390.00 FEET THEREOF.

SCHEDULE OF BEARING & DISTANCE

ALPHA	DISTANCE	BEARING	ARC RADIUS
A	80.15'	N00°09'12"W	
B	229.73'	N76°46'00"E	
C	171.83'	ANGLE OF 09°50'42"	1000.00' RADIUS
D	250.00'	N00°09'12"W	
E	187.00'	S89°50'46"W	
F	219.43'	N00°09'12"W	
G	200.00'	S89°50'46"W	
H	574.46'	N00°09'12"W	
J	390.00'	EXCEPTING NORTHERLY POR.	
K	180.00'	WESTERLY POR. OF DESCRIBED	

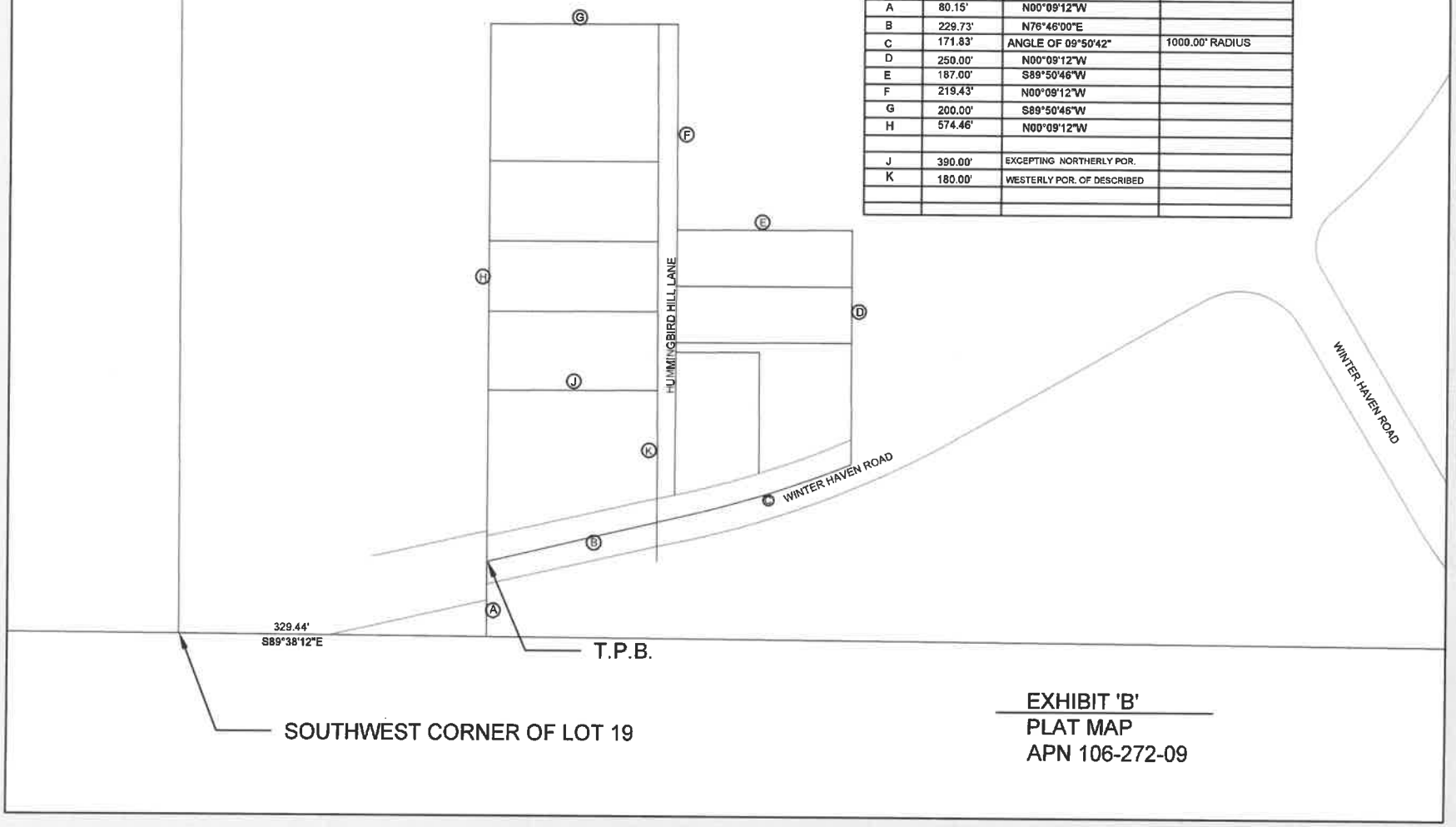


EXHIBIT 'B'
PLAT MAP
APN 106-272-09

CUSTOMER APPLICATION

(APN 106-272-27) LEGAL DESCRIPTION

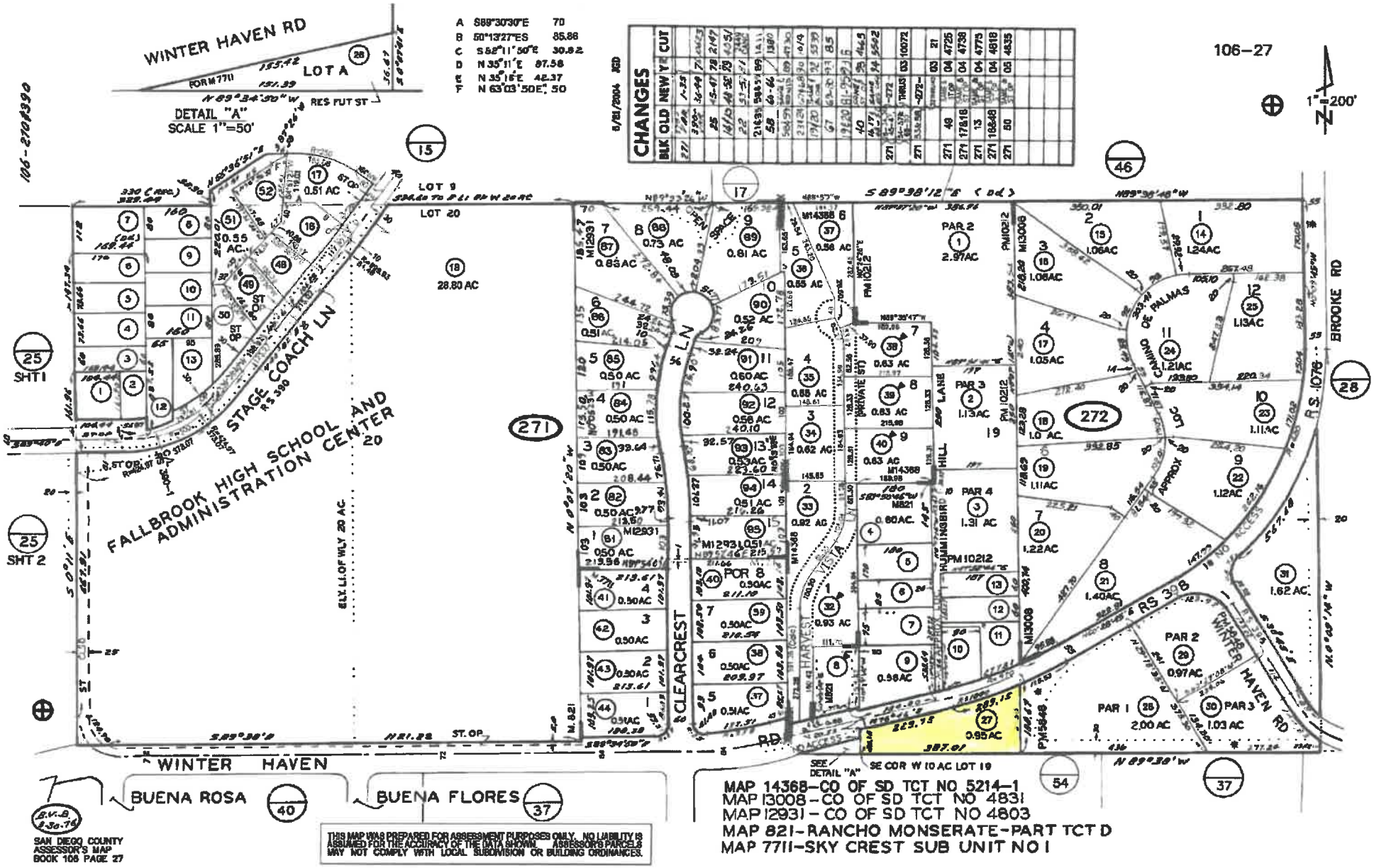
Attn: Fallbrook Public Utility District Board

Don Rady together with US Financial LLP & Oftedahl Construction request a formal annexation into the Fallbrook Public Utility District – Sewer Service Area, and want to be connected to the sewer system for the purpose to build a SFR on Winter Haven Road – A.P.N #106-272-27-00.

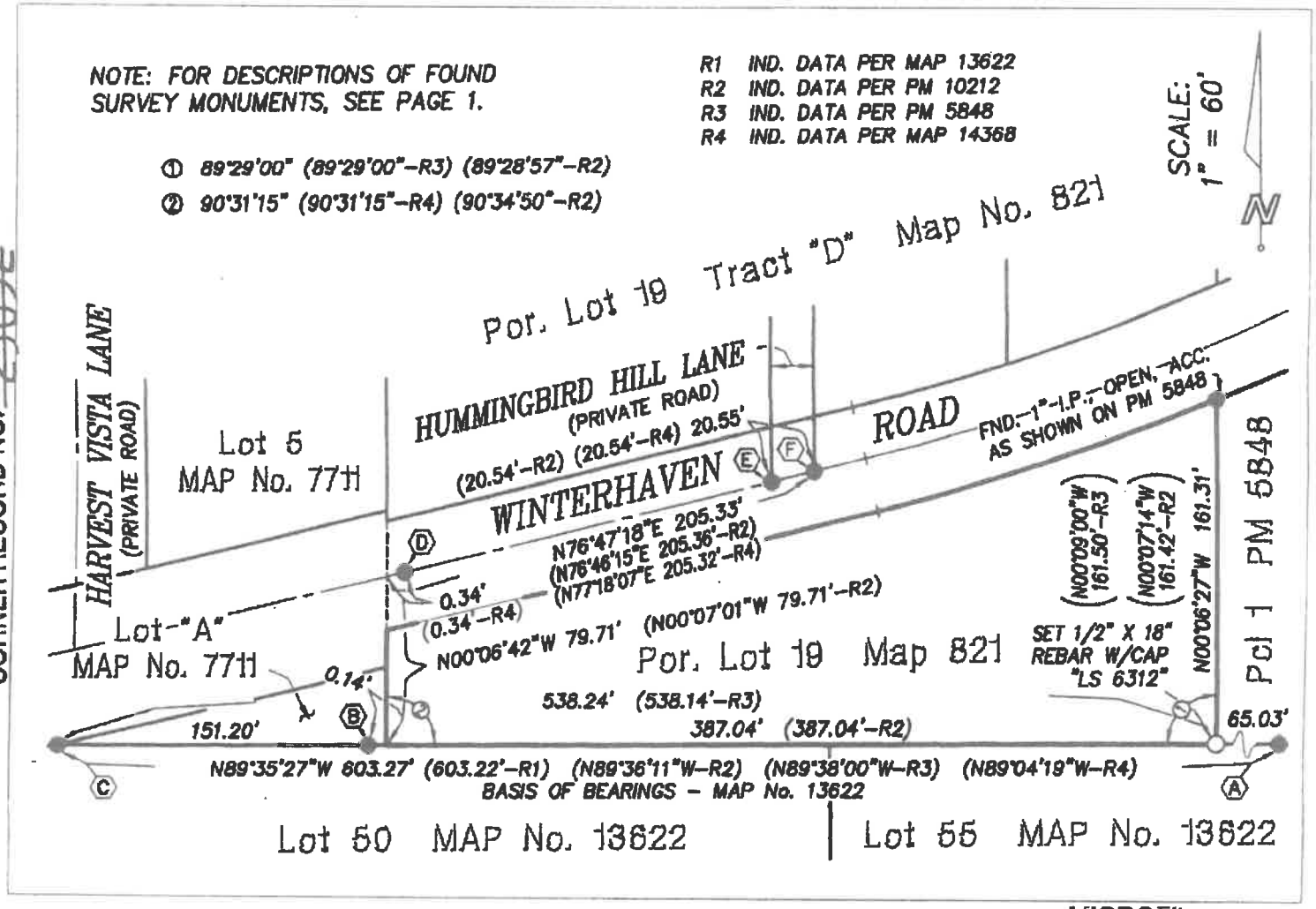
Ed Jackson

Don Rady

Us Financial LLP


106-27
1"=200'
WINTER HAVEN RD
LOT A
DETAIL "A"
SCALE 1"=50'
CHANGES
5/31/2004 JED
106-270f390
STAGE COACH LN
FALLBROOK HIGH SCHOOL AND ADMINISTRATION CENTER
CLEARCREST
HILL LANE
HUMMINGBIRD
VISTA
PALMAS
BROOKE RD
WINTER HAVEN RD
WINTER HAVEN
BUENA ROSA
BUENA FLORES
SEE DETAIL "A"
SE COR W 10 AC LOT 19
MAP 14368-CO OF SD TCT NO 5214-1
MAP 13008-CO OF SD TCT NO 4831
MAP 12931-CO OF SD TCT NO 4603
MAP 821-RANCHO MONSERATE-PART TCT D
MAP 7711-SKY CREST SUB UNIT NO 1
SAN DIEGO COUNTY ASSESSOR'S MAP BOOK 106 PAGE 27
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

CORNER RECORD NO. 25032



MICROFILMED
JUN 05 2007

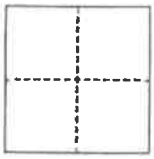
CORNER RECORD

Document Number 250321

Assessor Parcel Number 106-272-27

City of _____ County of SAN DIEGO, California

Brief Legal Description PORTION OF LOT 19 OF TRACT "D" OF MAP No. 821



CORNER TYPE

Government Corner ☐ Control ☐
Meander ☐ Property ☐
Rancho ☐ Other ☐
Date of Survey 2/25/2007

COORDINATES *(Optional)*

N. _____
E. _____
Zone _____ Datum _____
Elev. _____

Corner – Left as found ☐ Found and tagged ☐ Established ☐ Reestablished ☒ Rebuilt ☐

Identification and type of corner found: Evidence used to identify or procedure used to establish or reestablish the corner: (A) IND. FND. 2" I.P., DISC "LS 5905", SET PER PM 16488. (B) IND. FND. 2" I.P., DISC "LS 5210", SET PER MAP 14368; NOT ACC. AS SET AT LOCATION SHOWN THERON, POSSIBLY DISTURBED. (C) IND. FND. 2" I.P., DISC "LS 6215", SHOWN ON MAP 13622. (D) IND. FND. WELL MONUMENT, DISC STAMPED "LS 1162", SET PER MAP 7711. (E)&(F) IND. FND. SPIKE AND WASHER STAMPED "S D COUNTY"; NO REC.; ACC. AS PERPETUATIONS OF REBAR SET PER MAP 13622.

A description of the physical condition of the monument as found and as set or reset: _____

(SEE PAGE 2)

SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Land Surveyor's Act on MAY 16 20 2007

Signed _____ L.S. ~~XXXXX~~ Number L.S. 6312

Expiration Date 12/31/2008

LICENSED LAND SURVEYOR MICHAEL ANDERSON LS 6312 Exp.12/31/08 STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT

This Corner Record was received MAY 29 2007 20___ and examined and filed MAY 29 2007 20 ___.

Signed _____ County Surveyor

LICENSED LAND SURVEYOR TERRENCE T. CONNORS 5099 Expires 6/30/09 STATE OF CALIFORNIA

County Surveyor's Comment _____

MICROFILMED JUN 05 2007

DOC# 2021-0378424

May 18, 2021 03:24 PM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: $134.80 (SB2 Atkins: $0.00)
PCOR: N/A
PAGES: 2

RECORDING REQUESTED BY:

US. Financial

WHEN RECORDED MAIL DEED
AND TAX STATEMENT TO:

U.S. Financial, L.P.
1919 GRAND AVE, SUITE 2F
SAN DIEGO, CA 92109

APN: 106-272-27-00 TS No: CA01000066-20 TO No: 85312920

TRUSTEE'S DEED UPON SALE

The undersigned Grantor, under penalty of perjury, declares:

1) The Grantee herein was not the foreclosing beneficiary.
2) The amount of the unpaid debt together with costs was: $97,994.67
3) The amount paid by the Grantee at the trustee sale was: $97,994.68
4) The documentary transfer tax is: $107.80
5) Said property is in the city of: FALLBROOK
6) A.P.N. 106-272-27-00

and **Special Default Services, Inc.**, herein called "Trustee", as Trustee (or as Successor Trustee) of the Deed of Trust hereinafter described, hereby grants and conveys, but without covenant or warranty, express or implied, to **U.S. Financial, L.P.**, herein called "Grantee", the real property in the County of San Diego, State of California, described as follows: **ALL THAT PORTION OF LOT 19 OF THE SUBDIVISION OF THE TRACT 'D' OF THE PARTITION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THERE OF MAP NO. 821 FILED SEPTEMBER 25, 1896, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, INCLUDED IN THAT LAND DESCRIBED IN DEED TO NADYNE R. PARKER, RECORDED JUNE 30, 1972 AS INSTRUMENT NO. 1972-168715, OF OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE CENTERLINE OF THE COUNTY ROAD SURVEY NO. 398 AS SAID CENTERLINE IS DESCRIBED IN SAID PARKER DEED.EXCEPTING THEREFROM THE RIGHT TO ACCEPT AT A FUTURE TIME, A 30.00 FEET STRIP OF LAND, LYING SOUTHERLY OF AND ADJACENT TO THE CENTERLINE OF ROAD SURVEY NO. 398 AS SAID CENTERLINE IS DESCRIBED IN SAID PARKER DEED AS AN EASEMENT FOR COUNTY HIGHWAY. THE ENDS OF SAID EASEMENT ARE TO TERMINATE ON THE WESTERLY AND EASTERLY BOUNDARIES OF SAID PARKER DEED.**

This deed is made pursuant to the authority and powers given to Trustee (or to Successor Trustee) by law and by that certain Deed of Trust dated **June 26, 2019**, made to **CARLOS CASAS, JR.** and recorded on **July 16, 2019**, as Instrument No. **2019-0283655** of Official Records in the office of the Recorder of **San Diego** County, CA, Trustee (or Successor Trustee) having complied with all applicable statutory provisions and having performed all of his duties under the said Deed of Trust.

ACCOMMODATION ONLY. THIS INSTRUMENT FILED FOR RECORD BY CORINTHIAN TITLE COMPANY AS AN ACCOMODATION ONLY. IT HAS NOT YET BEEN EXAMINED AS TO ITS EXECUTION, OR AS TO ITS EFFECTS UPON TITLE.

APN: 106-272-27-00 TS No: CA01000066-20 TO No: 95312920

All requirements of law and of said Deed of Trust relating to this sale and to notice thereof having been complied with. Pursuant to the Notice of Trustee's Sale, the above-described property was sold by Trustee (or Successor Trustee) at public auction on **May 5, 2021** at the place specified in said Notice, to Grantee who was the highest bidder therefore, for **$97,994.68**, in lawful money of the United States, which has been paid.

Dated: 5-12-21

Special Default Services, Inc., as Duly Appointed Successor Trustee

By: Susan Earnest, Authorized Signatory

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA
County of ORANGE

On 5-12-21 before me, Bernardo Sotelo-Hernandez, a Notary Public, personally appeared SUSAN EARNEST, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

BERNARDO SOTELO-HERNANDEZ
Notary Public - California
Orange County
Commission # 2353106
My Comm. Expires Apr 20, 2025

CEQA DOCUMENT EXEMPTION

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1.	Name or description of project:	**CEQA Documentation for the LAFCO Application; Annexation of 2 parcels to Sewer Service Area: Winter Haven Rd/ Hummingbird Ln**	
2.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	Fallbrook, California. (See attached map showing the Fallbrook Public Utility District's (FPUD) Sewer Service Area)	
3.	Entity or person undertaking project:	A. Fallbrook Public Utility District	
		B. Other (Private)	
		(1) Name	
		(2) Address	

4. Staff Determination:

The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

a.	☒	The proposed action does not constitute a project under CEQA.	
b.	☐	The project is a Ministerial Project.	
c.	☐	The project is an Emergency Project.	
d.	☐	The project constitutes a feasibility or planning study.	
e.	☐	The project is categorically exempt.	
		Applicable Exemption Class:	(Pub. Res. Code § 21065; State CEQA Guidelines § 15378(a)) and 15061(b)(3); (common sense exemption).
f.	☐	The project is statutorily exempt.	
		Applicable Exemption:	
g.	☒	The project is otherwise exempt on the following basis:	The proposed action simply adjusts the (FPUD) Sewer Service Area boundary. The addition of these 2 parcels to the Sewer Service Area does not require the installation of any District facilities. This application also enables the removal of an existing septic system.
h.	☐	The project involves another public agency which constitutes the Lead Agency.	
		Name of Lead Agency:	

Date: 6/15/2021 Staff: Adel Dewle

NOTICE OF EXEMPTION

TO:		FROM: (Public Agency)	Jack Bebee General Manager Fallbrook Public Utility District 990 E. Mission Road Fallbrook, CA 92028
☒	Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044		
☒	Clerk of the Board of Supervisors or County Clerk County of: San Diego	Address	San Diego Clerk's Office County Administration Center 1600 Pacific Highway, Suite 260 San Diego, CA 92101

1.	Project Title:	**CEQA Documentation for the LAFCO Application; Annexation of 2 parcels to Sewer Service Area: Winter Haven Rd / Hummingbird Ln**
2.	Project Applicant:	**Fallbrook Public Utility District**
3.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	Fallbrook, California. (See attached map showing the District's Service Area)
4.	(a) Project Location – City: Unincorporated	(b) Project Location – County: San Diego
5.	Description of nature, purpose, and beneficiaries of Project:	The purpose of the proposed action is to add 2 parcels to the sewer service area of the Fallbrook Public Utility District. One parcel is south of Winter Haven Rd and one is at the NW corner of the intersection of Winter Haven Rd and Hummingbird Ln. A sewer mainline exist along the boundaries of these parcels so a mainline extension is not necessary. Parcel 106-272-09 (0.56 Acres) and parcel 106-272-27 (0.95 Acres) have requested to be annexed into the Fallbrook Public Utility District (FPUD) - Sewer Service Area, and will be submitting this annexation request to LAFCO.
6.	Name of Public Agency approving project:	Fallbrook Public Utility District
7.	Name of Person or Agency undertaking the project, including any person undertaking an	Fallbrook Public Utility District

	activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:			
8.	Exempt status: (check one)			
	(a)	☐	Ministerial project.	(Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268)
	(b)	☒	Not a project.	(Pub. Res. Code § 21065; State CEQA Guidelines § 15378(a))
	(c)	☐	Emergency Project.	(Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15378(b),(c))
	(d)	☐	Categorical Exemption. State type and section number:	Title 14, California Code Regulations, Sec. 15302 Replacement or Reconstruction, Class 2 (c).
	(e)	☐	Declared Emergency.	(Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
	(f)	☐	Statutory Exemption. State Code section number:	
	(g)	☐	Other. Explanation:	State CEQA Guidelines § 15061(b)(3); (common sense exemption).
9.	Reason why project was exempt:			The proposed action simply adjusts the (FPUD) Sewer Service Area boundary. The addition of these 2 parcels to the Sewer Service Area does not require the installation of any District facilities. This application also enables the removal of an existing septic system.
10.	Lead Agency Contact Person:			Jack Bebee, General Manager
	Telephone:			(760) 728-1125

11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.

12. Has a Notice of Exemption been filed by the public agency approving the project? Yes ☐ No ☒

13. Was a public hearing held by the Lead Agency to consider the exemption? Yes ☐ No ☒

If yes, the date of the public hearing was: _____

Signature: Jack Bebee Date: 7/6/2021 Title: General Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

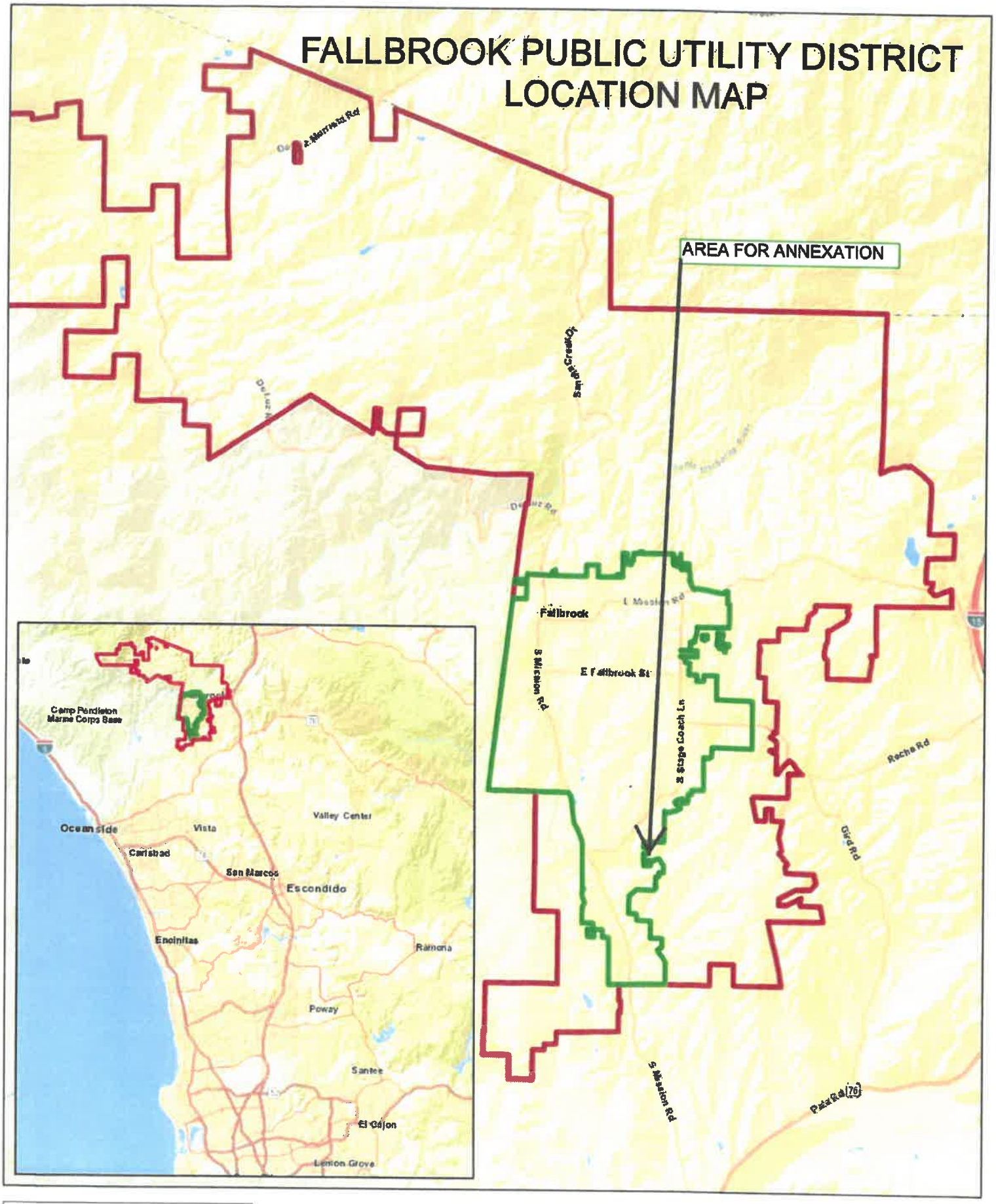
Date Received for Filing: _____

(Clerk Stamp Here)

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

DISTRICT LOCATION MAPS

FALLBROOK PUBLIC UTILITY DISTRICT
LOCATION MAP



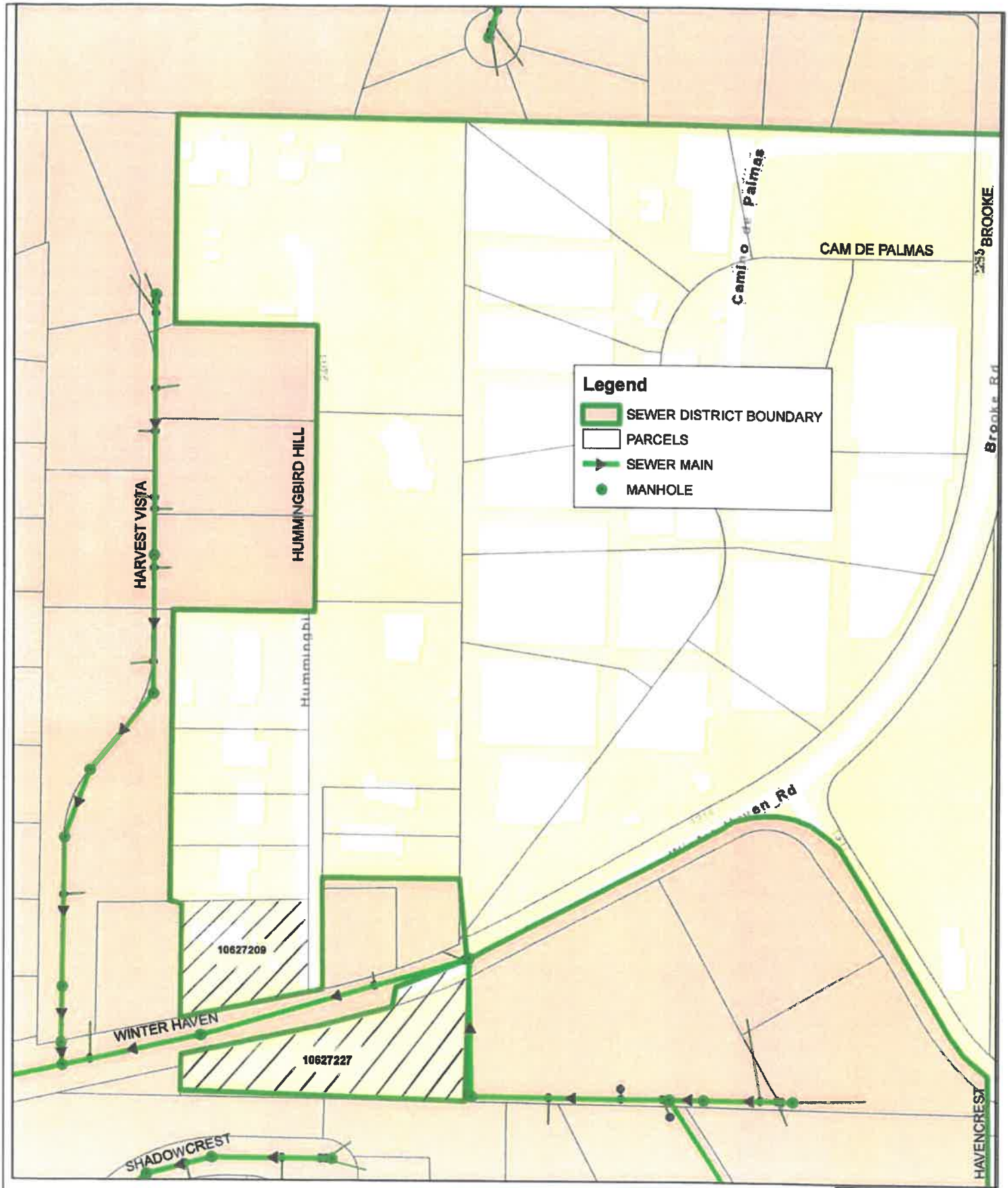
Legend

- SEWER SERVICE AREA
- FALLBROOK P.U.D. BOUNDARY

LAFCO APPLICATION 6/28/2021

FALLBROOK PUBLIC UTILITY DISTRICT
-SEWER SERVICE AREA-

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POTENTIAL SEWER SERVICE AREA ANNEXATIONS
[IDENTIFIED BY APN]

LAFCO ANNEXATION APPLICATION 06/28/2021

Map Created by Soleil Develle (6/15/2021)

Projection: California State Plane Zone 6, NAD 83, Feet. Epoch 1991.35 Source: FPUD, ESRI

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