5h

AGENDA REPORT
Consent | Action

February 7, 2022

TO: Commissioners

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

SUBJECT: **Proposed Term Revision for the "Bear Valley Parkway Outside-of-Agency Service Agreement" – City of Escondido (OAS21-07)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a proposed revision for a term applied to its October 2021 approval of an outside of agency wastewater service extension between the City of Escondido and the landowner at 450 Bear Valley Parkway. The proposed revision would no longer require the landowner to complete annexation proceedings within one calendar year and instead require they enter into an irrevocable offer to annex should it be proposed in the future. The proposed revision addresses concerns raised by City staff involving the associated maintenance of the adjacent public right-of-way. Commission approval is recommended.

BACKGROUND

At its October 4, 2021, meeting San Diego LAFCO ratified an administrative approval of an outside wastewater service extension involving the City of Escondido and the landowner of a single-family residence at 450 Bear Valley Parkway (APN: 239-060-05). The Commission's ratification followed an administrative approval by the Executive Officer to expedite the extension of public wastewater service to the subject parcel and in doing so abate the continued operation of a failing septic system. The Commission's ratification included terms set by the Executive Officer and marked by requiring the landowner to complete annexation proceedings into the City of Escondido within one calendar year. This term was made by the

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Executive Officer given the subject parcel's existing inclusion within the City's sphere of influence along with being coterminous to the existing incorporated boundary – albeit via Bear Valley Parkway.

DISCUSSION

This item is for San Diego LAFCO to consider revising an approval term authorizing the City of Escondido to provide outside wastewater service to 450 Bear Valley Parkway. The revision addresses a concern subsequently raised by the City and involves eliminating a term requiring the landowner to complete annexation proceedings within one calendar year. The revised term would instead require the landowner to sign and record an irrevocable agreement to annex the subject parcel should it be separately proposed in the future. The revision has been requested by the City given their preference to avoid assuming responsibilities along an adjacent segment of public right-of-way on Bear Valley Parkway.

ANALYSIS

The proposed revision before San Diego LAFCO is appropriate given local conditions. Most notably, the revision defers to the City of Escondido's concerns that assuming maintenance for the portion of Bear Valley Parkway adjacent of the subject parcel would be financially and operationally cumbersome at this time. Staff also believes additional analysis can and should be performed as part of the pending municipal service review in reconciling the underlying policy issues with respect to the timing of annexations within the City's sphere of influence.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed term revision as detailed involving the authorization for the City of Escondido to provide wastewater service to 450 Bear Valley Parkway. This recommendation is provided as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):
Revise an earlier approval term authorizing the City of Escondido to provide outside wastewater service to 450 Bear Valley Parkway. The revision shall no longer require the landowner to complete annexation proceedings within one calendar year and instead require they record an irrevocable offer to annex should it be proposed in the future by the City of Escondido or made as a condition by San Diego LAFCO.

Alternative Two:
Continue the item and provide direction to staff as needed.

Alternative Three:
Take no action.

PROCEDURES

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

On behalf of the Executive Officer,



Pricilla Allen
Analyst I

Attachment:

1) October 4, 2021 Agenda Item No. 6a:
   Ratification of an Administrative Approval: City of Escondido and 450 Bear Valley Parkway

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

6c

AGENDA REPORT
Consent | Action

October 4, 2021

TO: Commissioners

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

SUBJECT: **Ratification of an Administrative Approval | "Bear Valley Parkway Outside-of-Agency Service Agreement" - City of Escondido (OAS21-07)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider ratification of an administrative approval by the Executive Officer for an outside-of-agency wastewater service agreement involving the City of Escondido. The agreement authorizes Escondido to provide wastewater service to an unincorporated single-family residential parcel and was approved by the Executive Officer based on documentation of a failing septic system and associated threat to public safety. The affected territory lies within the sphere of influence for Escondido and the Executive Officer's approval was termed on the landowner submitting a complete annexation proposal. Approval also expires in one calendar year unless a time extension is requested and authorized. It is recommended the Commission ratify the administrative approval consistent with statute and policy.

BACKGROUND

Outside Service Contracts | Statute and Policy Provisions

Government Code Section 56133 prohibits cities or special districts from providing new or extended services by contracts outside of their jurisdictional boundaries without prior LAFCO review and approval less certain and limited exemptions. In addition, cities or districts may

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General Public

only provide services by contract outside of their boundaries and within their spheres of influence in anticipation of later annexations. If the affected territory lies outside the subject agencies' spheres, outside-of-agency services may only be extended in response to documented threats to public health and/or safety as determined by LAFCO.

San Diego LAFCO's adopted policies authorize the Executive Officer to approve outside-of-agency services in response to documented health, safety, or welfare impacts.[1] These policies also delegate discretion to the Executive Officer in determining whether public health, safety, or welfare threats exists on a case-by-case basis. The Executive Officer is required under policy to inform the Commission of all administrative approvals at the next available meeting.

Applicant Request and Administrative Approval

San Diego LAFCO received a request from an interested landowner (Adam Fares) in August 2021 for approval to enter into an outside wastewater service contract with the City of Escondido involving an approximate 0.6 acre unincorporated parcel. The subject parcel is developed with a 1,926 square-foot single-family residence, which was built in 1959 with a situs of 450 Bear Valley Parkway (239-060-05). The subject parcel lies immediately adjacent to the existing Escondido boundary and entirely with the City's sphere of influence. The request is premised on the residence's existing septic system – which was reportedly installed in 1976 – no longer functioning and either requiring a total rebuild or abandonment.

Upon receipt of the landowner's request, LAFCO staff coordinated with the City of Escondido and County of San Diego to verify the need and availability of public wastewater service for the affected territory. This included confirmation from the County Environmental Health Department attesting to an existing threat to public safety and recommending connection to a public wastewater system. The Executive Officer proceeded to issue a conditional administrative approval on August 20, 2021, which is provided as Attachment Two.

DISCUSSION

This item is for San Diego LAFCO to ratify an earlier administrative approval by the Executive Officer involving an outside wastewater service agreement allowing City of Escondido to extend wastewater service to the subject parcel at 450 Bear Valley Parkway. The item also provides the Commission the opportunity to offer related direction in processing these types of requests proceeding forward consistent with membership preferences.

ANALYSIS

San Diego LAFCO's administrative approval allowing the City of Escondido to contractually extend wastewater service beyond its jurisdictional boundary to the subject parcel at 450 Bear Valley Parkway conforms to statute and Commission policies. This includes allowing a temporary extension of service to directly abate an existing public health threat as attested by County Health while also providing a clear path towards annexation as the appropriate

[1] Reference to Rule No. 1.8.

long-term solution in memorializing Escondido's service area. Administrative approval has been conditioned on limiting wastewater service to only the existing residence; no additional development can be accommodated. Ratification serves to formalize the approval under statute and clarifies the Commission's interest in the Executive Officer administratively processing future requests similarly.

RECOMMENDATION

It is recommended San Diego LAFCO formally ratify the Executive Officer's administrative approval authorizing the City of Escondido to extend public wastewater service to the subject parcel at 450 Bear Valley Parkway in Escondido. This recommendation is consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):
Ratify approval of the outside-of-agency wastewater service agreement between City of Escondido and the applicants issued by the Executive Officer on August 20, 2021 and the associated terms as provided in Attachment Two.

Alternative Two:
Continue item to a future meeting.

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,

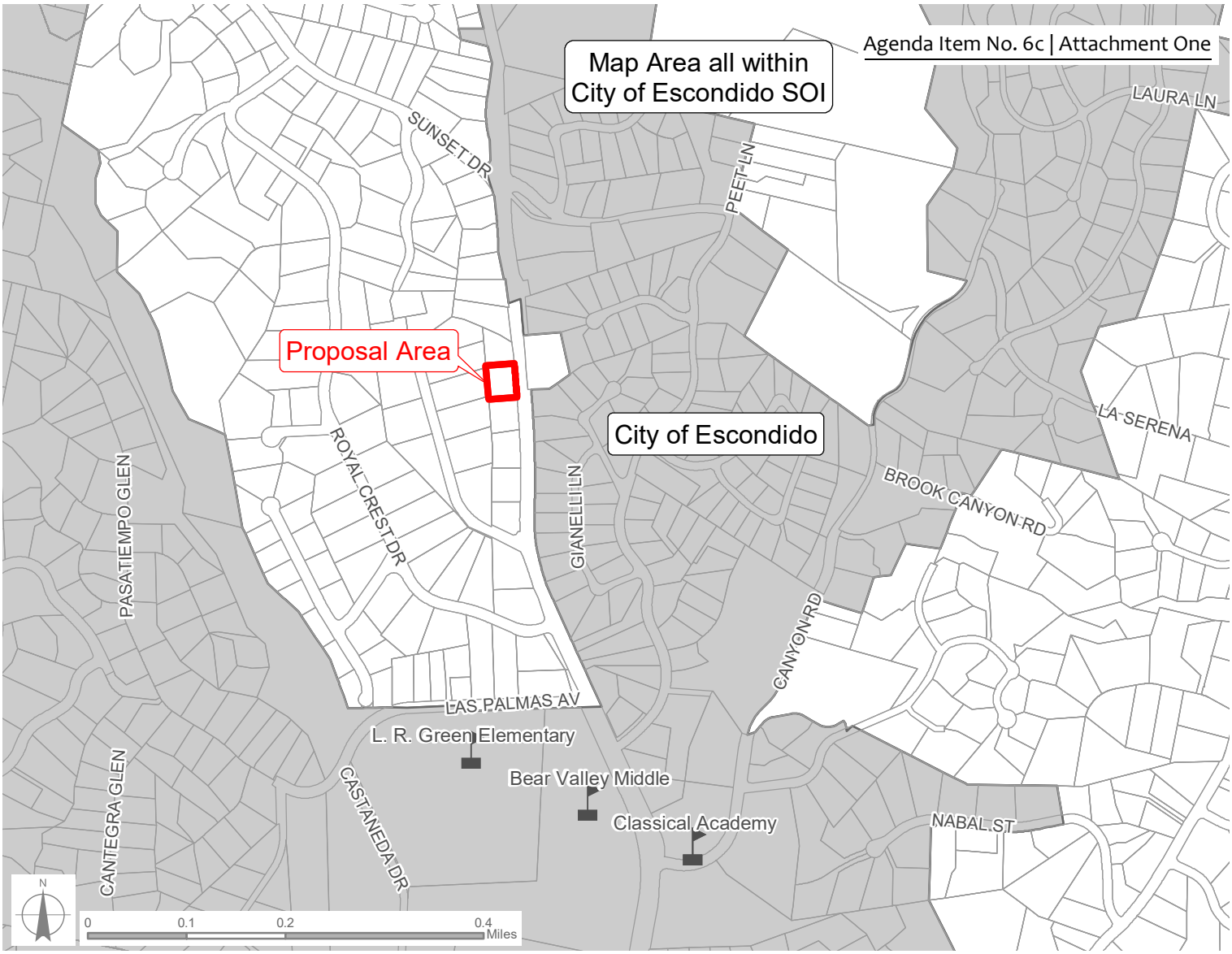


Priscilla Allen
Analyst I

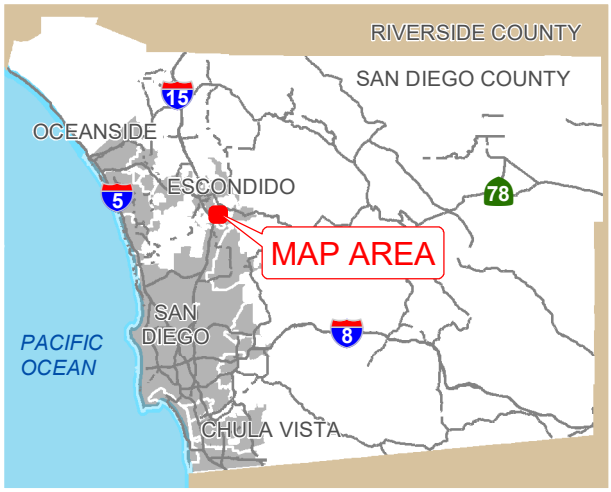
Attachments:

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

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OAS21-07 CONTRACTUAL WASTEWATER SERVICE AGREEMENT FOR THE CITY OF ESCONDIDO TO SERVE 450 BEAR VALLEY PARKWAY (APN 239-060-05)

Proposal Area
City of Escondido

SOI = Sphere of Influence

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

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Created by Dieu Ngu -- 9/14/2021

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

August 20, 2021

Delivered Electronically:
Mr. Adam Fares
450 Bear Valley Parkway
Escondido California 92025
adam@fares-inc.com

SUBJECT: **Notice of Conditional Approval:**
Contractual Wastewater Service Agreement for the City of Escondido to Serve 450 Bear Valley Parkway (Assessor Parcel Number 239-060-05)

Mr. Fares:

This letter serves as formal notice of San Diego County Local Agency Formation Commission (LAFCO)'s conditional approval for the City of Escondido to establish contract wastewater service for your property located at 450 Bear Valley Parkway. This conditional approval is authorized under my powers pursuant to Government Code Section 56133 and adopted LAFCO policy and substantiated based on a review of written documentation showing the existing septic system has failed and poses a threat to public health. The conditional approval extends one calendar year unless extended and follows a written recommendation from the County of San Diego Department of Environmental Health and Quality to immediately transition the property to a public wastewater should it be available.

The conditional approval is limited to authorizing the City of Escondido to enter into an outside wastewater service agreement for only the existing residential dwelling unit comprising the affected territory. All approval conditions follow.

1. Receipt by San Diego LAFCO of a completed contractual service agreement form along with an application filing fee in the amount of $480.38. This amount reflects a 75% fee reduction given documentation of a public health threat. The form is available online.

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David A. Drake, Alt., Rincon del Diablo
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2. Receipt by San Diego LAFCO of a landowner-petition application to annex the affected territory to the City of Escondido along with a filing fee in the amount of $2,612.06. This amount includes a related boundary action involving County Service Area No. 135 and reflects a 75% fee reduction given documentation of a public health threat. The form is available online.

3. Receipt by San Diego LAFCO of a signed contractual wastewater service agreement between you as the landowner for the affected territory and the City of Escondido. The agreement must specify service is limited to the existing one dwelling unit.

Given the underlying urgency, I agree to waive the requirement of a map and geographic description of the affected territory being submitted to LAFCO in conjunction with the other terms listed above. These documents, nonetheless, will be required to be submitted before an annexation proposal is presented for consideration by the Commission within the referenced one-year timeframe.

Separate written confirmation of the completion of all conditions tied to this approval will be provided as appropriate and serve as official notice of your legal allowance to proceed with the contractual service with the City of Escondido.

Should you have any questions in the interim, please contact LAFCO Analyst Priscilla Allen by telephone or email at priscilla.allen@sdcounty.ca.gov.

Sincerely,



Keene Simonds
Executive Officer

cc: Angela Morrow, City of Escondido
Paul Bingham, City of Escondido
Craig Caes, County of San Diego – DEH
Priscilla Allen, San Diego LAFCO

County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
LAND AND WATER QUALITY DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 514-6583
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HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

July 12, 2021

Paul Bingham
Assistant Planner II
City of Escondido

RE: Public Sewer Connection Urgency

Site Address: 450 Bear Valley Parkway, Escondido; APN: 239-060-05-00
Owner: Adam Fares

Dear Paul Bingham,

The Department of Environmental Health and Quality (DEHQ) received a report from Mohammad Aljazzar P.E. that conclusively demonstrates the onsite wastewater treatment system (OWTS) serving the existing residence at the address referenced above has failed and is in urgent need of replacement.

The failed OWTS was a system installed in 1976 as a repair and no reasonable alternatives remain for another repair installation. The parcel abuts Bear Valley Parkway and if a public sewer connection is available, DEHQ requests that connection to the public sewer be completed as soon as possible to remove the potential risk to public health due to the failing OWTS.

If there are any questions, I can be reached at (858) 694-2551 or craig.caes@sdcounty.ca.gov

Sincerely,

Craig Caes

Craig Caes
Supervising Environmental Health Specialist
Land and Water Quality Division
Department of Environmental Health & Quality
P.O. Box 129261, San Diego, CA 92112-9261

C: Adam Fares
adam@fares-inc.com
858-722-6410

July 12th, 2021

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County of San Diego
Dept. of Environmental Health & Quality
5500 Overland Ave. Suite 170
San Diego, CA 92123

Subject: Failed Septic System 450 Bear Valley Pkwy. Escondido CA 92025

Kind Attn: Environmental Health Specialist,

This is regarding the subject as mentioned above, and in response to the urgent issue emerged at the site, and potentially hazardous living conditions the residence are susceptible to, accordingly this letter was issued.

Introduction:

The property is located withing the unincorporated lands under the jurisdiction of San Diego County, the parcel APN # is 239-060-05-00 with a total area of (0.62-Acres) and the situs address as provided and located at 450 Bear Valley Parkway, Escondido CA 92025.

The existing construction at the site includes a 2-Story Residence with a total area of (1,926 sq.ft.) and built around year 1959. The first floor being an open front Basement / Garage located under the East corner of the residence, and enclosed on the remaining sides, facing the paved driveway. The second floor being the main residence, includes three (3) bedrooms and two (2) Bathrooms a kitchen, dining, activity and living rooms.

The residence is serviced by the municipal water district of City of Escondido and powered by SCE Southern California Edison, and the original sanitation system of a septic tank with leach/drain field system.

The existing sanitation system includes the septic tank located under the driveway, the capacity of the existing septic tank is (1,200) gallons and was pumped and serviced regularly every (3 years) since the acquisition of the property year 2011. The leach field includes two (2) lines, both lines run parallel and extend towards the North, the first line is (100 ft) long and the second line (80 ft) long and was set offset to the first by 10 ft. The leach field is (25 ft) away of the East property line facing Bear Valley Pkwy. The existing septic system is shown on (Exhibit-1 and 2) as attached.

Scope:

The scope covered by this letter is based upon providing a visual inspection of the current septic system at the residence located per mentioned address and demonstrating the impracticality of repairing the existing system or provide an alternative sanitation system considering the existing site conditions and required setbacks.

Findings:

Per the visual inspection of the existing septic system the following conditions persist at the site;

1. Sanitation backing up to the residence basement/garage.
2. Existing leach lines appear to be damaged due to corrosion, the sewage effluent backing-up to the branch due to the clogged lines as extending into the leach field. (Exhibit-4)
3. No surfacing of sewage noticed at leach lines extensions at the north of property, since these lines were buried (6-7 ft) underground the higher level which matches the level at the 2nd floor. However, note that the garage/basement and driveway level occur at the lower ground level. (Exhibit-4)

Discussion:

While considering the property setbacks, the only alternative location of a leach field will be at the North "side lot" of the property, however due to the presence of lower grounds at the South "side lot" at the garage/driveway side, and the sloped "front lot" at the East of the property facing Bear Valley Pkwy, this location is deemed not feasible, due to high potential of seepage to the basement level and driveway.

The surfacing of sewage is not observed, as the leach lines are buried deeper than recommended, this restricts the proper dissipation of in transpiration and evaporation, the leach filed currently dissipates the effluent by infiltration/percolation, which has failed by time due to fine particles blocking the pores of underlaying soils. In addition, contributes to the low percolation rates and saturation of underlaying soil drain medium.

The onsite wastewater systems (OSWS) shall be setback from groundwater surface with a minimum separation of five (5) feet at the highest anticipated groundwater level. This condition is not guaranteed as the property is located downslope of natural slope and path of surface water flow towards nearby creek.

The proposed alternatives to the existing system locations and setout are displayed in Exhibit-3 as attached.

Conclusion:

In the light of the previous introductory and discussion of findings, a conclusion is made that the existing septic system if at failure with no alternative or repair to be made possible considering the site conditions, requirements and guidelines as recommended and enforced by the department of Environmental Health and (EPA) Environmental Protection Agency.

This concludes the intent of this report. Your kind attention and efforts to facilitate the resolution to this urgent issue is highly appreciated.

Sincerely,



Mohammad Aljazzar P.E.
Project Manager / Engineer of Record (PE License # C 91765)
California Building Engineers Inc.

Exhibit-1
(Septic System as described per Application and Permit year 1976)

APPLICATION AND PERMIT FOR SEPTIC TANK
EXPIRES ONE YEAR FROM APPLICATION DATE

Date: 9-1-76 | Number: 27537

Name of Owner: DELFANTE, Vince
Owner's Mailing Address: [redacted] (450) Bear Vy. Rd., Escondido
Address or Location of Job: [redacted] (450) Bear Vy. Rd., Escondido
C.T. 207.02
Legal Description of Bldg. Site: 239-060-05
Septic Tank Contractor:

SPACE BELOW FOR DEPARTMENTAL USE ONLY $25.00

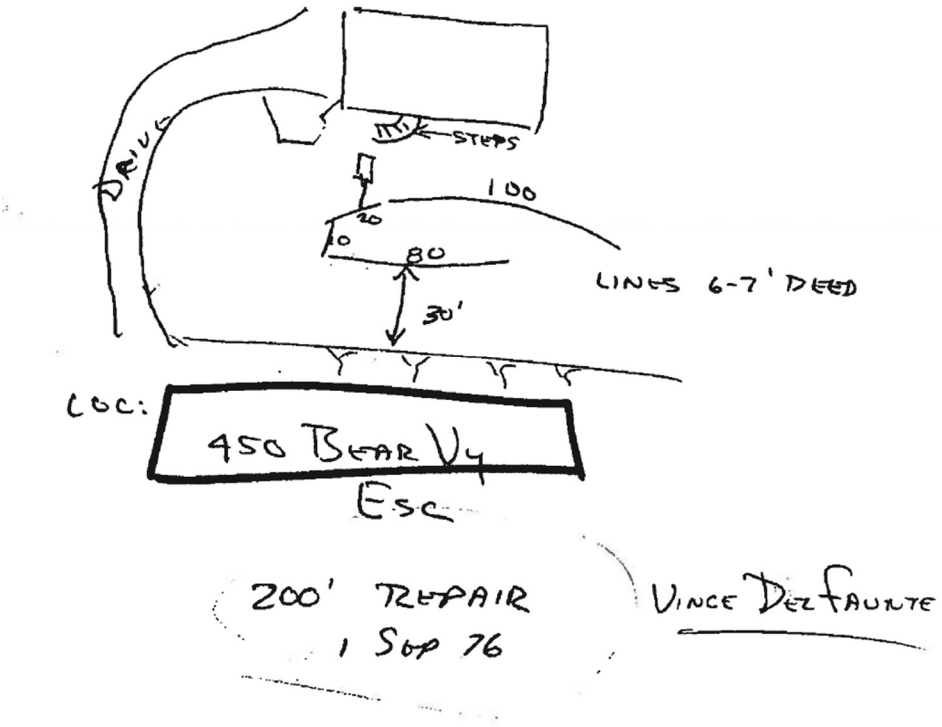
PERMANENT [X] TEMPORARY [ ]
Seepage Pit (Depth)
Septic Tank
Tile Line 200 ft.
Other
WATER SOURCE: Escondido

DEPT. APPROVAL: jdk
Tillyer
REPAIR [X]
TYPE OF STRUCTURE: Commercial [ ] Residential 3 BR
Percolation Test
Subdivision
Lot Split
Land Area
Temp. Letter

DATE REQUESTED	DATE INSPECTED	APPROVED	DISAPPROVED	REINSPECTION NUMBER	DATE REINSPECTED	SANITARIAN'S APPROVAL
						Rough
						Final

SAN I — CITY OR CONTRACTOR

SAN DIEGO DEPARTMENT OF PUBLIC HEALTH
1600 Pacific Hwy., San Diego, Calif. 92101



Information above as obtained from San Diego County Environmental Health Department, and provided by Property Owner.

Exhibit-2 (Site Plan with Existing Septic System)





Please see next page…

(Site Plan with Existing Septic System))

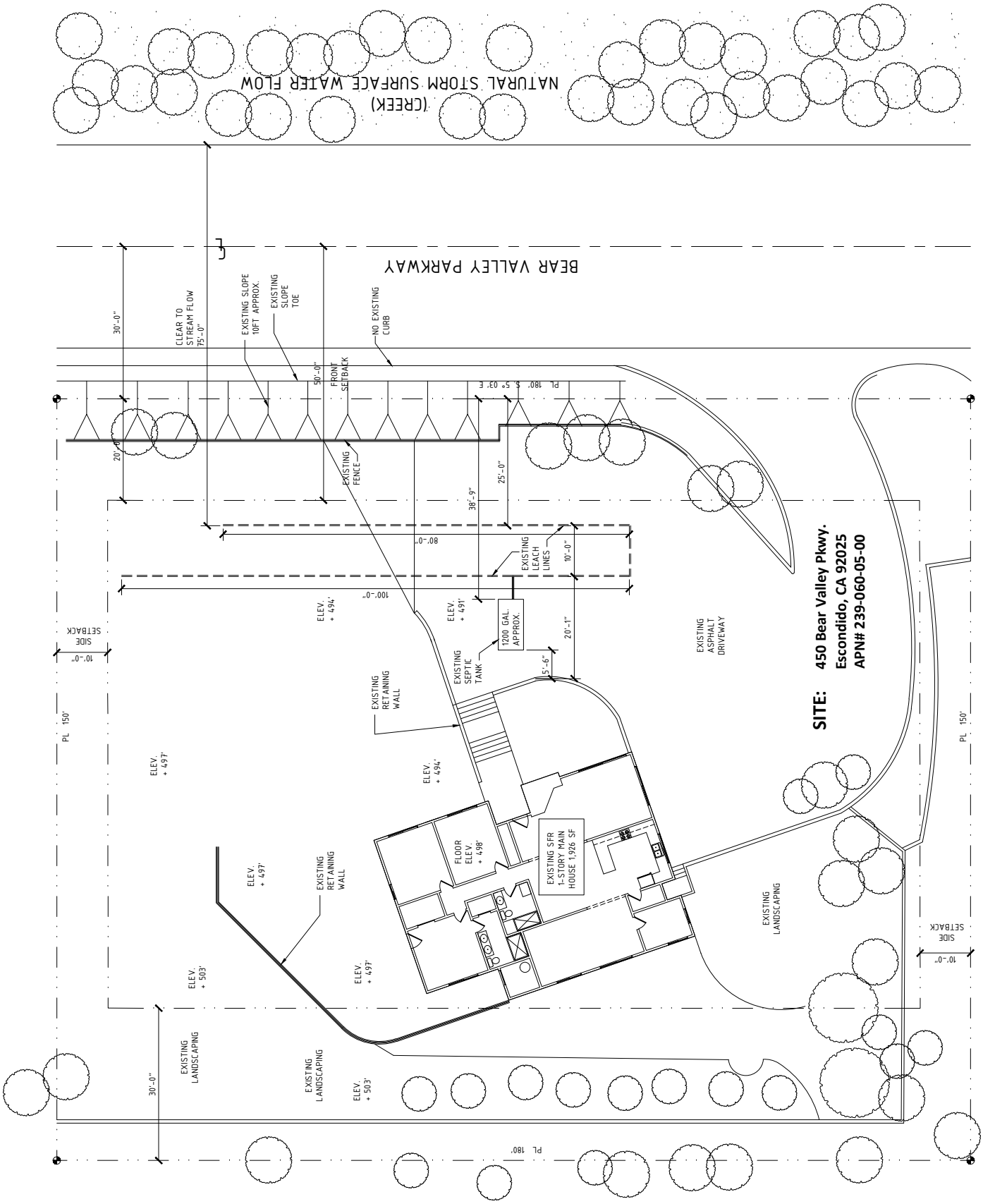


Exhibit-3 (Site Plan with Alternative Location of Septic System)

The required setbacks as follows:

For 3 Bedrooms, assuming 390 gpd (lower bound, 450 gpd would be max.) and a reduced percolation rate of 21-30 minutes per inch,

The required length of 2ft wide conventional gravel trenches is 325 ft. (375 for max. gpd)

In addition, the leach field would require an area of 650 sq.ft. minimum.
This is assuming 0.6 gallon per day / sq.ft. for an absorption percolation rate mentioned above.

Alternative Location deemed not permitted with reference to guidelines on setbacks and ground water separation and required clearance to the Natural Creek along Bear Valley Pkwy.

Please see next page…

(Site Plan with Alternative Location of Septic System)

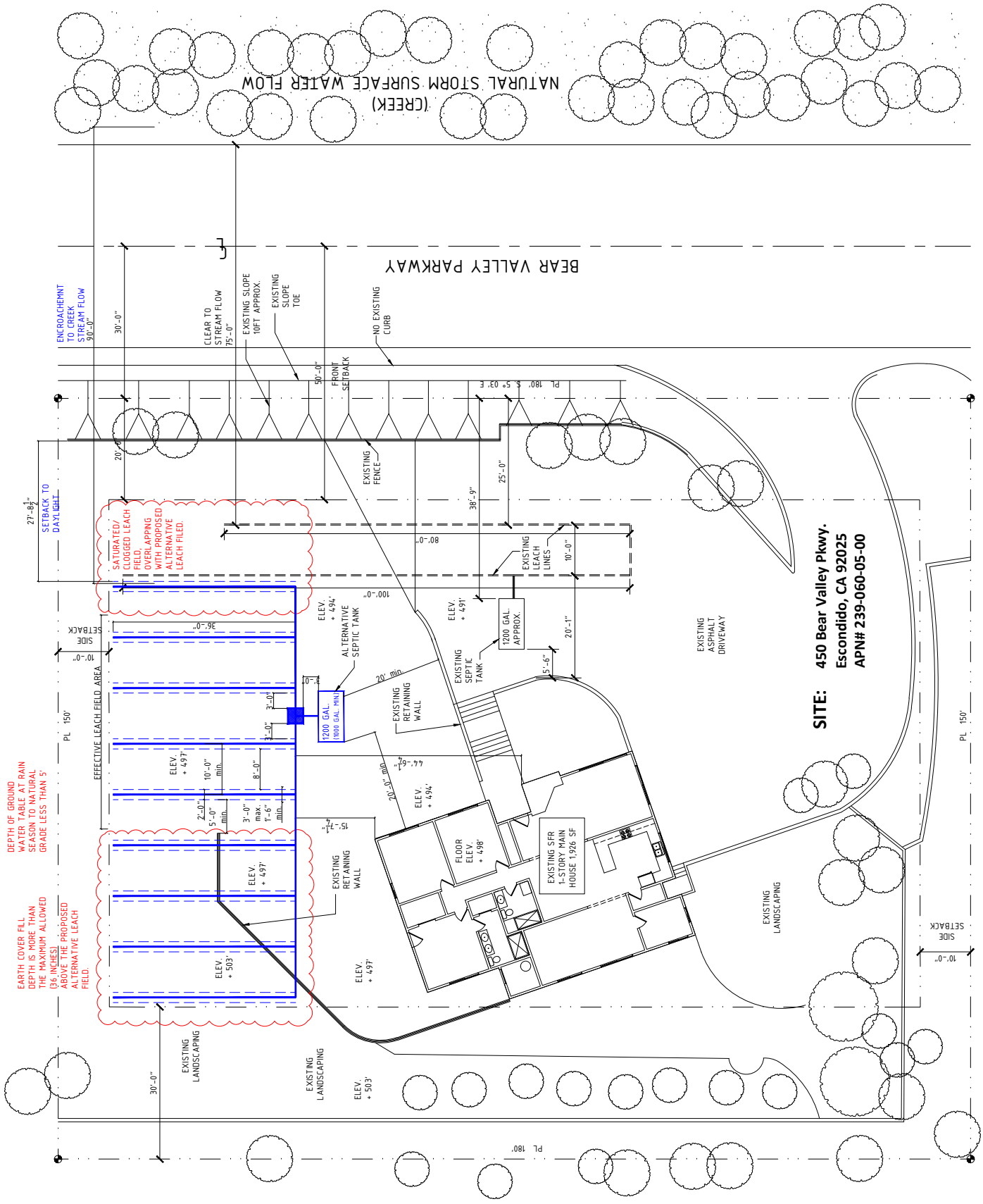


Exhibit-4 (Photography)





Leach lines as appears at branch, with sewage backed-up, note corroded/deteriorated pipes.

Exhibit-4 (Photography, continued)



Septic tank location, note construction of tank at lower ground level.



End of Report ■