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

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AGENDA REPORT
Consent | Action

August 5, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Michaela Peters, Local Government Analyst II

SUBJECT: **Proposed "Keys Project LLC – Montemar Drive Change of Organization" | Annexation to the San Diego County Sanitation District (LAFCO File No. CO24-01)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal initiated by a landowner petition (Keys Project LLC). The proposal seeks Commission approval to annex approximately 1.8 acres of unincorporated territory within Spring Valley to the San Diego County Sanitation District (County SD). The affected territory as submitted is presently developed with one uninhabited single-family residence and adjacent public right-of-way along Montemar Drive. The purpose of the proposal is to make public wastewater service available to the affected territory and in doing so accommodate the construction of two single-family residences via an urban lot-split as allowed under Senate Bill 9 (SB9). The affected territory lies within the existing County SD sphere of influence. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings. It is also recommended the Commission find the project is exempt under CEQA Guidelines Section 15319(b).

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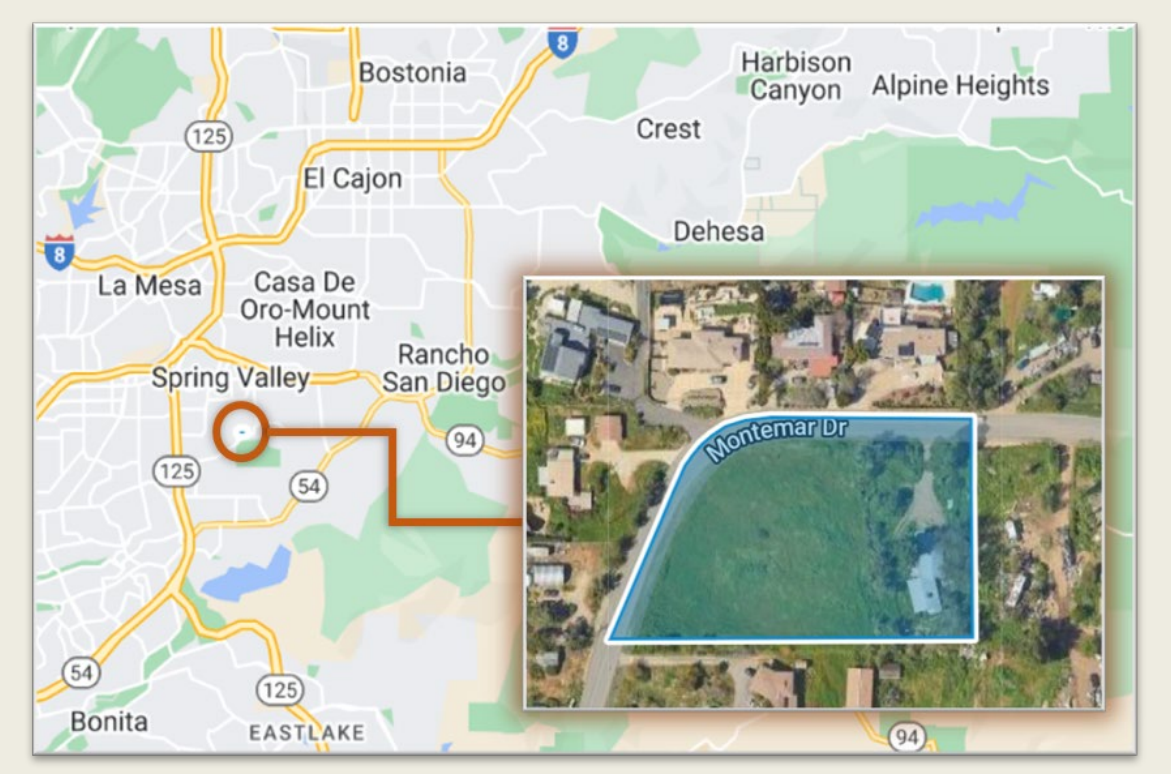
BACKGROUND

Applicant Request

San Diego LAFCO has received a change of organization proposal initiated by an interested landowner (Keys Project LLC) requesting approval to annex approximately 1.8 acres within the unincorporated community of Spring Valley to the County SD. The affected territory as submitted comprises one contiguous area containing an existing uninhabited single-family residence as well as a segment of the public right-of-way along Montemar Drive. The subject parcel is assigned a situs address of 9421 Montemar Drive and identified by the County of San Diego Assessor's Office as 504-242-01.

Regional Setting

The affected territory lies in eastern San Diego County within the unincorporated community of Spring Valley; generally lies east of Interstate 125, south of State Route 94, and north of State Route 54. All of the affected territory lies within County Supervisorial District No. 4 (Monica Montgomery Steppe), Assembly District No. 79 (Akilah Weber, M.D.), and Senate District No. 18 (Steve C. Padilla). An aerial map of the affected territory and its regional setting follows with a more detailed map – including showing the subject parcel and County SD's jurisdictional boundary – provided as Attachment One.



Subject Agency

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

- **County SD** is a dependent special district governed by the County of San Diego and serves as a successor agency to a multi-agency consolidation completed by LAFCO in 2010. The lone active service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans approximately 46 square miles – or 29,571 acres – and is divided between seven distinct service areas – Alpine-Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, Spring Valley, and Winter Gardens – with a combined LAFCO estimated resident population of 141,950. The affected territory subject to the proposal before LAFCO lies in Spring Valley, which is the largest of the seven service areas with an estimated resident population of 88,955. Wastewater collected within Spring Valley flows to the City of San Diego's adjacent collection system and thereafter to the Point Loma Treatment Facility before discharge into the Pacific Ocean; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for County SD in 2010. The sphere was most recently reviewed and affirmed in 2019 with a "larger-than-agency" designation and marked by the inclusion of approximately 9,300 non-jurisdictional acres. The County SD's audited net position is $148.0 million as of June 30, 2023, with an unrestricted balance of $68.9 million. This includes an ending cash balance of $67.2 million. The ending net position reflects an overall change during the three last audited years of 19%.

Affected Local Agencies

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

- County Service Area No. 135 (Regional Communications & Fire)
- County Service Area No. 128 (San Miguel Park District)
- Grossmont Healthcare District
- Helix Water District
- Metropolitan Water District of Southern California
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority
- San Miguel Consolidated Fire Protection District

1 State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.
2 State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

The affected territory also lies within the following school and college districts, and accordingly have received notice of the proposal as part of the administrative review: Grossmont Union High School District; La Mesa-Spring Valley School District; and Grossmont – Cuyamaca Community College District.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the change of organization proposal to annex the affected territory to County SD. The Commission may also consider applying approval conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion on purpose, current and planned land uses, and Commission focus follows.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to extend public wastewater to the affected territory and in doing so accommodate the planned development of two single-family residences as allowed under County zoning. The timing of the proposal follows the applicant receiving approval of a Tentative Parcel Map (PDS2024-TPM-21462) to proceed with the planned development with anticipated construction occurring in the next 12 to 24 months.

Current and Planned Land Uses

The affected territory is entirely unincorporated and under the land use authority of the County of San Diego and its adopted policies. Specific development policies for the affected territory are delegated in the County General Plan. The present land use designation applied to the affected territory is Semi Rural-Residential (SR-1), which allows up to one dwelling unit per acre. The current zoning assignment produces a maximum density of two dwelling units divided between each legal parcel having a single-family residence (SFR) and accessory dwelling unit (ADU). Given the exception for a lot split under SB9, the total maximum density for the affected territory becomes four dwelling units and divided between each legal parcel having one SFR and one ADU.

Commission Focus

San Diego LAFCO's current sphere of influence designation for the County SD includes the affected territory and can readily accommodate the proposed annexation without amendment. This existing sphere determination narrows the Commission's consideration to two central and sequential policy items. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

ANALYSIS

San Diego LAFCO's analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section relative to both statutory and local policy considerations. The second subsection considers other germane issues and is highlighted by applicability under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 |
Change of Organization Timing

San Diego LAFCO's consideration of the proposed change of organization's timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focus on disclosing and otherwise addressing compatibility issues with external goals and policies of other state, regional, and local agencies as well as assessing the ability of subject agencies to provide services going forward.[3] Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

An analysis of these two related timing factors follows.

- Timing Factor No. 1:
  Baseline Considerations: Regional Policies + Service Relationships

  State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory's current land uses, assessed values, registered voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed detachment's relationship to community needs as well as the service capacities and related financial resources of the receiving agency. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

  - With respect to **service needs**, the affected territory's planned use to accommodate two single-family residences merits public wastewater services. Annexation of the affected territory to County SD for the purpose of making available public wastewater service accommodates this need and serves as a preferred alternative to operating one or more onsite septic systems.

  - With respect to **service availability and capacities,** County SD has available and sufficient wastewater capacities to accommodate the projected service demands in the affected territory at its planned uses. Specifically, an existing County SD

3 Reference to Government Code Section 56668.

wastewater main is located within the public right-of-way of Montemar Drive and can readily serve the affected territory through the extension of an approximate 100-140-foot private lateral connection. Based on planned developments, to include the construction of two single-family residences, it is projected the maximum average day wastewater flow generated within the affected territory is 480 gallons. [4] This projected amount can be readily accommodated by County SD and represents .003% of its available treatment and discharge capacity remaining within its wastewater system.[5] Ultimate buildout based on current zoning involves a total of four units (two single family residences and two accessory dwelling units) and would notionally increase the average day demand to 960 gallons and take up .007% of the available and remaining capacity for County SD.

- With respect to **related financial considerations**, County SD has adequate financial resources and related administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of recent audited statements, which shows the County SD having established high liquidity (short-time financial standing) and capital (long-term financial standing) levels via an ending current ratio of 109.8 to 1 and debt ratio of 0.43% respectively, at the end of 2022-2023.

- Timing Factor No. 2:
  Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings with additional details footnoted.[6] No jurisdictional disputes have been disclosed by County SD in filing the change of organization proposal. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization involving the annexation of the affected territory to County SD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing a planned need paired with utilizing available public facilities and capacities. Additional analysis supporting the conclusion is provided in Appendix A.

[4] Based on a per unit daily wastewater demand estimate of 240 gallons.
[5] County SD's current average day wastewater flow is 11.0 million gallons while its overall capacity is 25.0 million gallons.
[6] The Executive Officer retains discretion to determine the extent of consultation needed.

Item No. 2 |
Modifications and Terms

No modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features for the subject agency.

CONCLUSION |
MODIFICATIONS AND TERMS

No modifications to the proposal appear warranted. Standard approval terms are recommended and include receipt of all remaining payments associated with the processing of the proposal by the Commission through recordation.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following annexation of the affected territory to County SD.

Environmental Review

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

- San Diego LAFCO serves as lead agency under CEQA for the change of organization. It is recommended the Commission find these actions a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(b). Staff believes this exemption appropriately applies given affected territory's planned development is less than three residential units as allowed under current zoning.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this stature given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters); the subject agency has not filed an objection to the waiver; and the landowners have consented to the underlying action.[7]

RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with the action outlined as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):
Adopt the attached draft resolution conditionally approving the change of organization proposal as submitted (without modifications) along with standard approval terms, waiver of protest proceedings, and finding under CEQA.

Alternative Two:
Continue consideration to the next regular meeting.

Alternative Three:
Disapprove the change of organization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action 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,

Michaela Peters

Michaela Peters
Analyst II

Appendices:

A) Analysis Proposal Review Factors

Attachments:

1) Vicinity Map of the Affected Territory as Submitted
2) Draft Resolution of Approval
3) Application Materials

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

APPENDIX A
Government Code Section 56668
Proposal Review Factors

a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, in the next 10 years.

The affected territory as submitted comprises an approximate 1.8-acre parcel within the unincorporated community of Spring Valley. The purpose of the proposal is to make public wastewater available to the property and in doing so accommodate the planned development of two single-family residences via an urban lot split (SB9). Additional development in the surrounding area is expected over the next 10 years. Overall, the affected territory's total assessed *land* value is calculated to be $289,084. (emphasis).

b) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The County of San Diego serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, and law enforcement. Other pertinent public service providers include Helix Water District (potable water) and San Miguel Consolidated FPD (fire protection and emergency medical). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**
  Connection to County SD can be made available through an approximate 100-140-foot private lateral extension of an existing wastewater main located within the public right-of-way on Montemar Drive. Based on planned developments, including the construction of two single-family residences, it is projected the maximum average day wastewater flow generated within the affected territory is 480 gallons. This projected amount can be readily accommodated by County SD and represents .003% of its available treatment and discharge capacity remaining within its wastewater system. Ultimate buildout based on current zoning involves a total of four units (two single-family residences and two accessory dwelling units) and would notionally increase the average day demand to 960 gallons and take up .007% of the available and remaining capacity for County SD.

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 to and annexation therein to County SD would reflect and strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing lands within the District's sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater service from County SD when the timing is separately deemed appropriate.

d) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies/priorities set forth in G.C. Section 56377.

Approving the proposed change of organization and annexation to County SD would facilitate the orderly expansion of the District's jurisdictional boundary consistent with the sphere of influence. The affected territory does not contain "open space" as defined under LAFCO law and no conflicts exist under Government Code Section 56377.

Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns, unless waived by the Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant, affected agencies, or interested parties in the review of the proposal.

e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not presently contain "prime agricultural land", or "agricultural land" as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and annexation to County SD would not adversely affect the physical or economic well-being of agricultural lands.

f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment, the creation of islands or corridors of unincorporated territory, and other similar matters.

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds that appear consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor's Office and

address any modifications enacted by the Commission. No irregular or otherwise illogical boundary features would be generated from proposal approval.

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

The proposed change of organization would extend wastewater service to the planned construction of two single-family residences consistent with current zoning. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

See the agenda report.

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

The affected territory lies entirely within the existing sphere of influence designated for the County SD.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on July 29, 2024.

k) The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and reviewed as part of this proposal indicates the County SD has overall sufficient and available financial resources and administrative controls therein relative to serving the affected territory without adversely impacting existing constituents. This statement is supported by the following factors.

- County SD's last audit covers 2022-2023 and shows the County finished with high liquidity levels with an agency-wide current ratio of 109.8 (i.e., $109.8 in current assets for every $1.00 in current liabilities).

- County SD finished 2022-2023 with good capital levels and marked by a low debt ratio of 0.43% (i.e., only $43.00 out of every $100.00 in net assets are financed).

- County SD finished 2022-2023 with an overall total margin of 25.9%.

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

The affected territory's existing residential uses are presently within and connected to the Helix WD for water service. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs.

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

The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowners support the proposed change of organization and have provided written consent to the proceedings as the petitioners.

o) Any information relating to existing land use designations.

See above analysis for (h).

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

The change of organization is expected to have a positive impact on environmental justice by enhancing wastewater and integrated public safety services within the affected territory and for any groups that are susceptible to pollution burdens and their effects. Consideration of existing environmental justice factors within the affected territory draws on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0).

Two composite percentile rankings for the affected territory are generated within this analysis and involve (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California.

- The affected territory's **composite pollution burden ranking** falls in the 4th percentile with an internal range between 0 and 49 percentiles. Zero pollution burden measurements exceed the 50th percentile which are considered relatively high, however Air Quality (PM 2.5) fall just under at the 49.88 percentile.

- The affected territory's **composite susceptible population** ranking falls in the 33rd percentile with an internal range between 2 to 74 percentiles. One of these at-risk groups exceeds the 50th percentile and considered significant in magnitude and involves individuals with unemployment.

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

Census Tract No. 6073013905
Pollution Burdens and Susceptible Population
(Source: California Environmental Protection Agency and SD LAFCO)

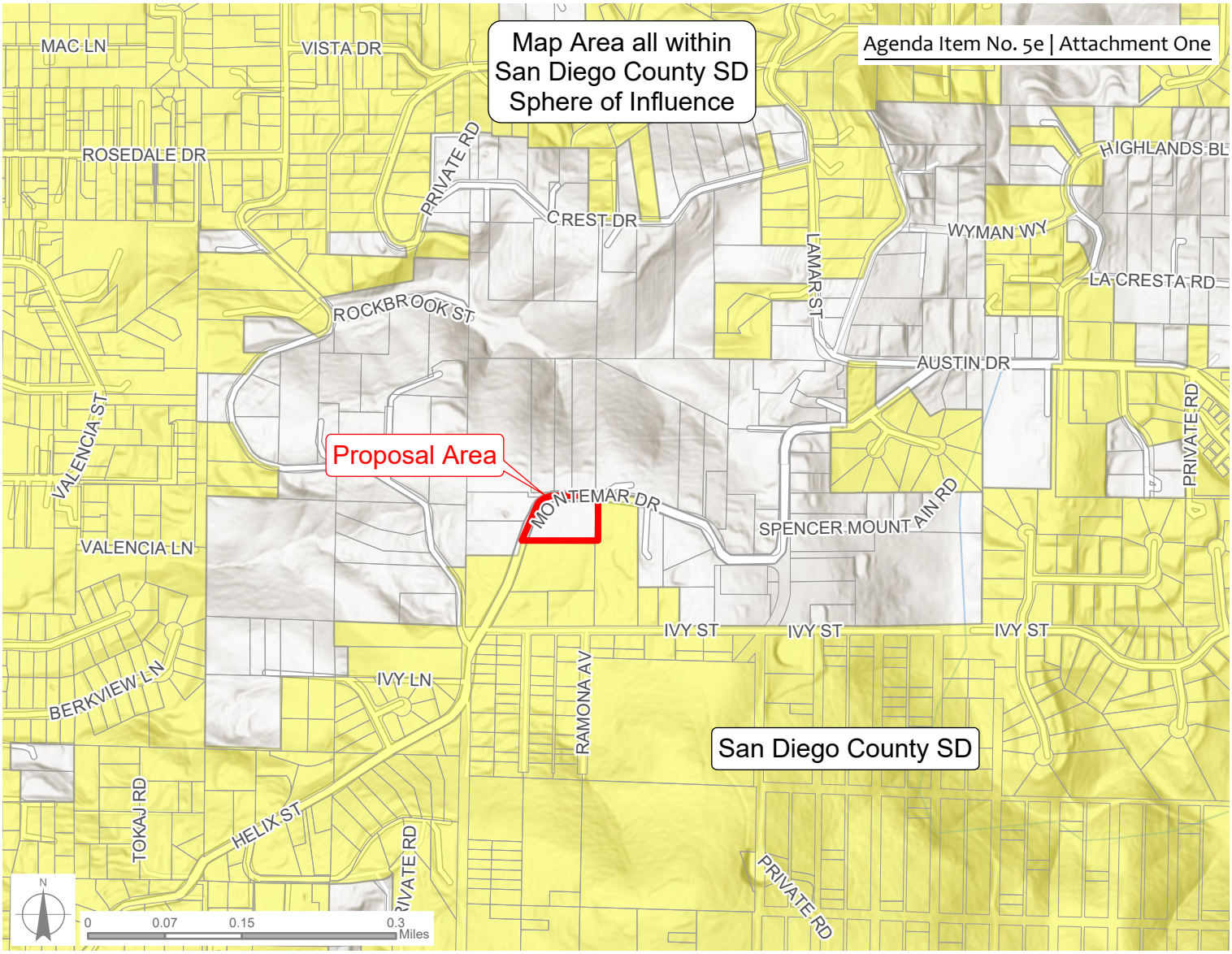
	Affected Territory + Surrounding Lands
Census Tract No.	6073013905
Estimated Population	3,897
Pollution Burden	Weighted Percentile
… Percentile	4.60
Indicator | Air Quality: Ozone	46.99
Indicator | Air Quality: PM 2.5:	**49.88**
Indicator | Air Quality: Diesel PM:	7.62
Indicator |Pesticides:	0.00
Indicator | Toxic Releases:	37.20
Indicator |Traffic:	23.79
Indicator | Drinking Water Contaminants:	43.69
Indicator | Lead in Housing:	23.96
Effects | Cleanup Sites:	22.62
Effects | Groundwater Threats:	0.0
Effects | Hazardous Waste:	0.0
Effects | Impaired Water:	12.45
Effects | Solid Waste:	0.0
Sensitive Population	Weighted Percentile
… Percentile	33.33
Population | Asthma:	7.50
Population | Low Birth Weight:	2.49
Population | Cardiovascular Disease:	48.63
Population | Education:	16.21
Population | Linguistic Isolation:	33.31
Population | Poverty:	20.38
Population | Unemployment:	**74.10**
Population | Housing Burden:	39.70

q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.

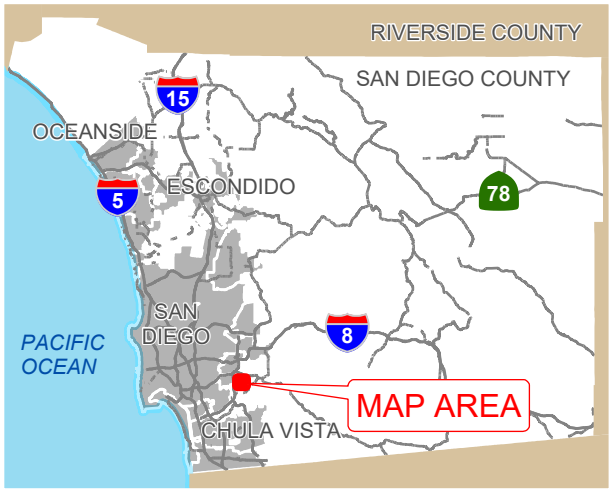
The County of San Diego General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies within a "No Designation" fire hazard zone and a "Low-Level' earthquake zone.

r) Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and the territory proposed to be annexed to the district.

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







CO24-01 "KEYS PROJECT LLC - MONTEMAR DRIVE CHANGE OF ORGANIZATION" | ANNEXATION TO SAN DIEGO COUNTY SD

Proposal Area
San Diego County SD

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

"KEYS PROJECT LLC – MONTEMAR DRIVE CHANGE OF ORGANIZATION"
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT
LAFCO FILE NO: CO24-01

WHEREAS, on January 16, 2024, interested landowner – Keys Project LLC (Seamus Garland) – filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as "Commission", pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application before the Commission seeks approval of a change of organization of approximately 1.8 acres of unincorporated territory in the County of San Diego involving annexation to the San Diego County Sanitation District; and

WHEREAS, the affected territory as proposed includes one contiguous legal parcel consisting of one uninhabitable single-family residence and identified by the County of San Diego's Assessor's Office as 504-242-01; and

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

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

WHEREAS, the Executive Officer's report and recommendations on the 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 August 5, 2024;

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

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

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

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

3. With respect to considering the effects of the proposed change of organization under the California Environmental Quality Act (CEQA), the Commission's makes the following findings:

a) San Diego LAFCO serves as lead agency for assessing impacts for the proposal and requested boundary change under CEQA given its initiation by landowner petition. The Commission finds the proposal qualifies as a project under CEQA but is exempt from further review under State Guidelines Section 15319(b). Staff believes this exemption appropriately applies given affected territory's planned development is less than three residential units as allowed under current zoning.

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

    a. Annexation of the affected territory to the San Diego County Sanitation District is shown in "Exhibit A-1" and described in "Exhibit A-2."

6. The Commission CONDITIONS all approvals on the following terms being satisfied by August 5, 2025 unless an extension is requested in writing and approved by the Executive Officer:

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

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

    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 finding in the resolution.

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

7. The Commission assigns the proposal the following short-term designation:
    "Keys Project LLC – Montemar Drive Change of Organization".

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

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

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

11. The San Diego County Sanitation District utilizes the County of San Diego assessment roll.

12. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.

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

14. As allowed under Government Code Section 56107, the Commission authorized the Executive Officer to make non-substantive corrections to the resolution to address any technical defects, errors, irregulates, or omissions.

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

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

**

PASSED AND ADOPTED by the Commission on August 5, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

**

ATTEST:

_____
Keene Simonds
Executive Officer

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EXHIBIT A-1
VICINITY MAP OF AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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

SAN DIEGO LAFCO
JAN 22 2024
RECEIVED

Part I: NOTICE OF INTENT TO CIRCULATE PETITION

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

1. Notice is hereby given to circulate a petition proposing to: annex 9421 Montemar Drive into the local sewer district.

2. The reason(s) for the proposal are: Annex 9421 Montemar Drive into the local sewer district for the possible construction of future homes.

Seamus Garland
Proponent's Name (print)

Signature of proponent or representative

[redacted]
Proponent's Address

City, State, Zip

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

_____
Executive Officer (Print and Sign)

PART II: DISCLOSURE REQUIREMENTS

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

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

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

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