



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

SPECIAL MEETING AGENDA

FINAL

AD HOC CITIES ADVISORY COMMITTEE - FY2020 to FY2021 LAFCO Workplan -

11:00 A.M. to 11:45 A.M.

Friday, September 18, 2020

VIDEOCONFERENCE ATTENDANCE ONLY

Carlsbad	Del Mar	Escondido	Lemon Grove	Poway	Santee
Chula Vista	El Cajon	Imperial Beach	National City	San Diego	Solana Beach
Coronado	Encinitas	La Mesa	Oceanside	San Marcos	Vista

Consistent with the Governor's Executive Order N-29-20, the September 18, 2020 special meeting will occur remotely through videoconferencing. The public may watch the meeting live using the link on our website home page (www.sdlafco.org).

The public may submit comments remotely and/or register to speak by:

1. Submitting an eComment at www.sdlafco.org prior to 4:00 P.M. on Thursday, September 17, 2020
 - These comments will be distributed and posted online ahead of the meeting
 - This includes the option to request a call-in to directly comment during the meeting
2. Emailing erica.blom@sdcounty.ca.gov during the meeting on Friday, September 18, 2020
 - These comments will be read by staff into the record and subject to a three-minute limit

1. 11:00 A.M. – CALL TO ORDER BY EXECUTIVE OFFICER

2. ROLL CALL BY SECRETARY

3. PUBLIC COMMENTS

4. EXECUTIVE OFFICER REPORT

5. BUSINESS ITEMS

a) Minutes for the March 13, 2020 Special Meeting (action)

The Committee will consider approving summary minutes prepared by staff for the special meeting held on March 13, 2020. Recommended approval as presented.

BUSINESS ITEMS CONTINUED...

b) Update on Current and Pending Proposals (Information)

The Committee will receive a report identifying current proposals on file as well as pending submittals anticipated to be filed in the near-term. Information only.

c) Progress Report on 2020-2021 Workplan (Discussion)

The Committee will receive a progress report on accomplishing specific projects included in the adopted workplan for the current fiscal year. Discussion only.

d) Proposed Update on Agricultural and Open Space Lands Policy (Discussion)

The Committee will review a proposed update to LAFCO's Agricultural and Open Space Lands Policy. The item is being presented for discussion as well as feedback ahead of the item's consideration by the Commission at its October 5, 2020 meeting.

e) Update on Reorganization Proposals Filed by Fallbrook Public Utility District and Rainbow Municipal Water District to Concurrently Detach from the San Diego County Water Authority and Annex to Eastern Municipal Water District (Discussion)

The Committee will receive an update on the reorganization proposals and the current work therein of an associated 10-member Ad Hoc Committee. Discussion only with the opportunity to communicate key city interests to the Ad Hoc Committee for their future deliberations.

6. COMMITTEE MEMBER ANNOUNCEMENTS

7. ADJOURNMENT

Attest to Posting:

Ruth Arellano
Executive Assistant

Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting at 858-614-7755 for any requested arrangements or accommodations.

DRAFT
LOCAL AGENCY FORMATION COMMISSION
AD HOC CITIES ADVISORY COMMITTEE
March 13, 2020 SPECIAL MEETING

1. CALL TO ORDER BY EXECUTIVE OFFICER

The special meeting was called to order at 9:31 a.m. by Moderator, Executive Officer Keene Simonds in the County of San Diego Operations Center, 5510 Overland Avenue, Room 472, San Diego. Given the declaration of a pandemic associated with COVID-19 and direction therein by the Governor to practice social distancing, members were allowed to participate in the meeting by telephone.

2. ROLL CALL BY SECRETARY

The Secretary performed the roll call with the following attendance recorded. Twelve cities were represented.

* Present by Phone.

Regular Committee Members Present:

Paz Gomez (Carlsbad)*; Jeff Epp (Escondido); Lydia Romero (Lemon Grove) (arrived at 9:42 a.m.); Brad Raulston (National City)* (joined at 9:36 a.m.); Deanna Lorson (Oceanside)*; and Chris Hazeltine (Poway)* (left at 10:13 a.m.).

Alternate Committee Members Present:

Scott Donaghe (Chula Vista)*; Kristen Crane (Del Mar)*; Mark Delin (Encinitas); Meagan Openshaw (Imperial Beach)*; Wendy Kaserman (Poway)* (left at 10:13 a.m.); Bill Maertz (Santee)* (joined at 9:36 a.m.); and John Conley (Vista)*.

Regular Committee Members Absent:

Kelly Broughton (Chula Vista); Blair King (Coronado); CJ Johnson (Del Mar); Vince DiMaggio (El Cajon); Karen Brust (Encinitas); Tyler Foltz (Imperial Beach); Kerry Kusiak (La Mesa); Kris Michell (San Diego); Jack Griffin (San Marcos); Marlene Best (Santee); Greg Wade (Solana Beach); and Patrick Johnson (Vista).

Alternate Committee Members Absent:

Gary Barberio (Carlsbad); Steve Manganiello (National City); Jonathan Borrego (Oceanside); and Mike Hansen for Erik Caldwell (San Diego).

The following members of LAFCO Staff were present: Executive Officer Keene Simonds; Chief Analyst Robert Barry*; GIS Analyst Dieu Ngu; and Administrative Assistant Erica Blom serving as Secretary.

3. EXECUTIVE OFFICER'S REPORT

Executive Officer Keene Simonds welcomed the Committee members and given current events, thanked those participating over the phone.

4. CONSENT ITEMS

a) Approval of Meeting Minutes | September 27, 2019

Item presented to the Committee to review the draft summary minutes prepared for the last meeting held on September 27, 2019. Recommendation to approve.

b) Progress Report on 2019-2020 Workplan

Item presented to the Committee to review a progress report on accomplishing specific projects included in LAFCO's adopted workplan for 2019-2020. Item for information only.

c) Update on Current and Pending Proposals

Item presented to the Committee to review a report regarding current, pending, and anticipated proposals on file with LAFCO. Item for information only.

On motion of Bill Maertz (Santee) and seconded by Jeff Epp (Escondido) and carried unanimously with the remaining Committee members present, to approve the consent calendar consistent with the recommendations provided in the associated agenda reports.

5. BUSINESS ITEMS

a) Proposed 2020-2021 Workplan and Budget

Item presented to the Committee regarding the proposed 2020-2021 workplan and budget. Executive Officer Keene Simonds provided a staff report and informed the Committee that the workplan and budget are status quo, and both were tentatively approved at the LAFCO Commission meeting held on March 2nd pending a public review and comment. The final workplan and budget will be presented at the Commission's May 4th meeting.

No discussion from the Committee members.

b) Draft Municipal Service Review on County Service Area No. 135

Item presented to the Committee regarding a draft Municipal Service Review prepared for County Service Area (CSA) No. 135 and its public safety communication and fire protection functions. Executive Officer Keene Simonds provided a staff report and told the Committee the final Municipal Service Review for CSA No. 135 will be presented at the Commission's May 4th meeting.

Committee discussion followed.

c) Update on Agricultural and Open Space Lands Policy

Item presented to the Committee regarding an update on Agricultural and Open Space Lands Policy. Executive Officer Keene Simonds provided a staff report to the Committee and said that this report includes the review of an administrative draft prepared by staff, based on earlier input from the Commission and community stakeholders.

Committee discussion followed.

d) Government Code Section 56133

Item presented to the Committee regarding a report on Government Code Section 56133 and its provisions requiring cities and special districts to receive written approval from Commissions before providing new or extended contractual services outside their jurisdictional boundaries. Executive Officer Keene Simonds introduced Chief Analyst Robert Barry who provided a verbal report to the Committee.

No discussion from the Committee members.

Executive Officer Keene Simonds invited the Committee members to solicit comments offline to provide more input to LAFCO staff regarding any of the Business Items.

6. PUBLIC COMMENTS

Executive Officer Keene Simonds invited public comments. None received.

7. COMMITTEE MEMBER ANNOUNCEMENTS

No reports were received from the Committee members.

8. ADJOURNMENT

There being no further business to come before the Ad Hoc Cities Advisory Committee, the meeting was adjourned at 10:28 a.m.

Attest

ERICA BLOM

ADMINISTRATIVE ASSISTANT

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

5b

AGENDA REPORT
 Business | Information

September 18, 2020

TO: Cities Advisory Committee

FROM: Robert Barry, Chief Policy Analyst
 Linda Heckenkamp, Analyst II

SUBJECT: **Current Proposals and Related Activities**

SUMMARY

The Cites Advisory Committee (“Committee”) will receive a report summarizing active proposals on file with the Commission as well as anticipated submittals. The report is being presented for purposes of detailing current workload and for information only.

BACKGROUND

Processing Procedures

LAFCO proceedings for consideration of proposed changes of organization or reorganizations – which typically involves annexations, detachments, and service function activations or divestures – are typically initiated by outside applicants (landowners, registered voters, and local agencies). LAFCOs may also initiate proposals specific to forming, consolidating, or dissolving special districts if consistent with the recommendations of approved municipal service reviews. Once deemed complete by the Executive Officer, proposals are scheduled for Commission consideration and placed on the agenda as consent, business, or hearing items based on noticing requirements. Overall, most proposals are forwarded to the Commission within six months from their date of submittal.

<p>Administration Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614.7755 F 858.614.7766 www.sdlafco.org</p>	<p>Jim Desmond County of San Diego</p> <p>Chair Dianne Jacob County of San Diego</p> <p>Greg Cox, Alternate County of San Diego</p>	<p>Mary Casillas Salas City of Chula Vista</p> <p>Bill Wells City of El Cajon</p> <p>Paul McNamara, Alternate City of Escondido</p>	<p>Mark Kersey City of San Diego</p> <p>Chris Cate, Alternate City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>Erin Lump, Alternate Rincon del Diablo MWD</p>	<p>Vice Chair Andy Vanderlaan General Public</p> <p>Harry Mathis, Alternate General Public</p>
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DISCUSSION

This item is being presented to the Committee for information only and identifies all active proposals currently on file with LAFCO along with future anticipated submittals. A full detailing of current and anticipated proposals is provided as Attachment One.

ANALYSIS

San Diego LAFCO is currently processing 35 active proposals. Most proposals have been initiated by landowners and involve single lots in the unincorporated area subject to tentative development approvals and as such require annexations to water and/or wastewater providers. Notable proposals submitted by local agencies include a reorganization request by the County of San Diego to form a new dependent fire protection district (San Diego County FPD) to assume fire protection and emergency medical services from County Service Area No. 135 and in doing so formalize the County as a fire service provider under LAFCO statutes. Two contested reorganization proposals separately filed by Rainbow Municipal Water District and Fallbrook Public Utility District are also on file to detach from the San Diego County Water Authority and annex therein to Eastern Municipal Water District and further detailed as part of a separate agenda item. Staff also anticipates several substantive proposals to be submitted in the next few months. Three of these pending proposals involve city annexations in North County to accommodate relatively large residential subdivision projects and include Harvest Hills (Escondido), Sager Ranch (Escondido), and Rancho Lomas Verdes (Vista).

RECOMMENDATION

This item is presented to the Committee for information only. It is recommended the Committee review the report with the invitation to discuss as needed.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the agenda as part of the business calendar. It will include a brief verbal presentation from staff with an initiation for discussion by the Committee.

On behalf of staff,



Linda Heckenkamp
Analyst II

Attachment:

- 1) Active and Pending Proposals as of September 11, 2020

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
ACTIVE PROPOSAL APPLICATIONS PENDING COMMISSION ACTION			
1	DA08-10 “Avocado Way-Potter Annexation” - Vallecitos WD (Annexation)	Robert Barry	Application submitted in March 2008 for a proposed annexation to Vallecitos WD to obtain wastewater service for two existing residences along Avocado Way but deemed incomplete in April 2008 status letter. A new status letter was sent to the applicant in January 2018 stating the proposal will be considered abandoned unless notified otherwise. The current property owner has responded and conveyed their interest to proceed with the annexation. There have been ongoing discussions with Vallecitos WD as of 2018.
2	RO08-09 “South Mollison Ave-Snyder Reorganization” - City of El Cajon (Annexation)	Robert Barry	Application submitted in May 2008 for a proposed annexation to the City of El Cajon. The annexation area includes approximately 1.25 acres and is subject to a proposed multi-family residential project and was deemed incomplete in June 2008 status letter. A new status letter was sent in January 2018 to the applicant, new property owner, and City stating the proposal will be considered abandoned unless notified otherwise. No response from any of the interested parties to date. (Expected abandonment subject to pending policy authorization.)
3	RO08-15 SA08-15 “Crestlake Estates Reorganization” - San Diego County SD (Annexation) - Lakeside FPD (Annexation) - CSA 69 (Annexation)	Robert Barry	Application submitted in May 2008 requesting a reorganization to provide wastewater services to an approved Tentative Map allowing the development of 60 single-family residences and was deemed incomplete in June 2008 status letter. A new status letter was sent to the applicant in February 2018 stating the proposal will be considered abandoned unless notified otherwise. No response to date. (Expected abandonment subject to pending policy authorization.)
4	DA12-02 “Lorch Annexation” - Borrego WD (Annexation)	Robert Barry	Application submitted in March 2012 to annex approximately 9.4 acres to the Borrego Water District to provide water service to one parcel within the District sphere. Application deemed incomplete in an April 2012 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Borrego WD responded to the letter and has reinitiated discussions with the landowner regarding possible service terms. Ongoing discussions with Borrego WD continue.
5	RO06-17 “Tobacco Road Reorganization” - City of Escondido (Annexation)	Robert Barry	Application submitted in March 2006 to annex six parcels to the City of El Cajon for wastewater service. In 2006, LAFCO approved two out of service agreements to allow the City of Escondido to provide wastewater service to two residences with failing septic systems located along Tobacco Road. The agreements between the City and landowners required the annexation of the two parcels. The proposal was deemed incomplete in April 2006 status letter. A new status letter was sent in January 2018 stating the proposal will be considered abandoned unless notified otherwise. Two of the affected landowners have responded to the letter and are now working with the City in determining if the other landowners are interested/willing to proceed with the annexation at this time. Ongoing discussions continue.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
6	DA16-10 "CSA 17 Harmony Grove Annexation" - CSA 17 (Annexation)	Linda Heckenkamp	Application submitted in May 2016 to annex approximately 3,600 acres to CSA 17 for ambulance service and done so as a cross-condition of the Rancho Santa Fe Fire Protection District Reorganization: Dissolution of CSA No. 107 (Elfin Forest/Harmony Grove). The proposal was deemed incomplete in June 2016 status letter. The CSA 17 Advisory Committee has opposed the annexation. A negotiated property tax exchange agreement is also necessary. LAFCO staff met with the applicant in August 2019 to provide assistance and continues to discuss opportunities to proceed forward.
7	RO16-11 "Rancho Hills Annexation" - Rancho Santa Fe CSD (Annexation)	Robert Barry	Application submitted in October 2016 to annex a portion of a 37-lot residential subdivision titled "Rancho Hills" to Rancho Santa Fe CSD for wastewater service. A concurrent latent power expansion for Olivenhain MWD is needed to accommodate sewer to the remaining project site. The proposal was deemed incomplete in November 2016 status letter. Applicant has requested the proposal processing be placed on hold. Staff has remained in contact with the applicant and is awaiting their confirmation to proceed.
8	RO19-04 "Ortega – Olde Highway 80 Change of Organization" - San Diego County Sanitation District (Annexation)	Linda Heckenkamp	Application submitted in February 2019 by landowner petition to annex two residential lots totaling approximately 5.07 acres to San Diego County Sanitation District for wastewater service. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff's analysis.
9	SA19-26 RO19-26 OAS19-26 "Valiano - Eden Valley Reorganization" - City of Escondido (Sphere Amendment, Contractual Wastewater Service Agreement - San Marcos FPD (Annexation) - Rancho Santa Fe FPD (Sphere Amendment, Detachment)	Robert Barry	Application submitted in November 2019 by landowner petition and the City of Escondido. Proposal involves reorganization of approximately 10.76 acres with annexation to San Marcos Fire Protection District (FPD) and concurrent detachment and sphere exclusion from Rancho Santa Fe FPD; and, amendments to the spheres of influence for the Cities of Escondido (inclusion) and San Marcos (exclusion) for two unincorporated parcels totaling 82.9 acres and subject to a 240.6 acre County of San Diego-approved Specific Plan (TM-5575); and, approval of a contractual wastewater agreement between the landowner of the unincorporated Specific Plan area and the City of Escondido to extend City wastewater service to 326 single-family residences to be constructed within the Escondido sphere. The submitted proposal application is incomplete and pending staff's analysis. (On January 27, 2020, the San Diego Superior Court overturned the County development approvals for the project. The applicant is appealing the Court decision and has requested LAFCO continue to process the reorganization.)
10	LP(E)19-27 "Fallbrook Public Utility District Latent Power Expansion Park & Rec et.al."	Robert Barry	Application submitted in November 2019 by resolution seeking approval to activate Fallbrook PUD's latent power to exercise park and recreation, street lighting and roads and street functions within its boundaries. The submitted proposal application is incomplete and pending receipt of additional documentation and this includes completion of a scheduled municipal service review for the Fallbrook-Rainbow region.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
11	RO20-04 “Rainbow MWD – Eastern MWD Wholesale Water Service Reorganization” – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Application submitted April 2020 by resolution from the Rainbow MWD to concurrently detach from the San Diego County Water Authority and annex to the Eastern MWD. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal.
12	RO20-05 “Fallbrook PUD – Eastern MWD Wholesale Water Service Reorganization” – San Diego County Water Authority (detachment) – Eastern Municipal Water District (annexation)	Robert Barry	Application submitted April 2020 by resolution from the Fallbrook PUD to concurrently detach from the San Diego County Water Authority and annex to the Eastern MWD. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis. A 10-member advisory committee has also been established by the Commission to assist staff in evaluating the proposal.
13	CO20-07 “Schirber – Hymettus Avenue Change of Organization” - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Application submitted in April 2020 by resolution from Leucadia WWD and involves annexation of approximately 1.69 acres for connection to public wastewater service. The submitted proposal is scheduled for the October 5 th Commission hearing.
14	CO20-08 “Fuerte Ranch Estates Change of Organization” - San Diego County Sanitation District (Annexation)	Robert Barry	Application submitted in May 2020 by landowner petition and involves annexation of approximately 27.3 acres to San Diego County Sanitation District to facilitate the development of 36 single-family homes. The submitted proposal is scheduled for the October 5 th Commission hearing.
15	SA20-09 OAS20-09 “Mercurio – Grossmont Boulevard Out-of-Agency Wastewater Contractual Service Agreement” - City of La Mesa (Annexation)	Robert Barry	Application submitted in June 2020 by landowner request and involves an out-of-agency contractual wastewater service agreement with the City of La Mesa for one existing single-family residence and one proposed ADU. The unincorporated property totals approximately 0.91 acres, is not contiguous with the City, and is not within the La Mesa sphere of influence. Per Government Code Section 56133, the proposed wastewater OAS agreement requires an amendment for inclusion of the affected territory within the La Mesa sphere in anticipation of a future annexation. The request is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
16	RO20-10 “Meadowood Reorganization” - Rainbow Municipal Water District (Annexation) - Valley Center Municipal Water District (Detachment)	Robert Barry	Application submitted in June 2020 by resolution from the Rainbow MWD and involves annexation of approximately 374.7 acres and the development of 844 units for water and wastewater service. A concurrent detachment from Valley Center MWD is also proposed. The submitted proposal application is incomplete and pending receipt of additional documentation and this includes completing a scheduled municipal service review involving Rainbow MWD.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
17	RO20-11 “Lindauer – Olive Street Reorganization” - Vallecitos Water District (Annexation) - Vista Irrigation District (Detachment)	Robert Barry	Application submitted in June 2020 by landowner petition and involves annexation of approximately 4.0 acres for water and wastewater service. The affected territory is developed with a single-family residence experiencing a failing well for domestic water uses. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
18	RO20-12 “Ortiz – Olive Avenue Reorganization” - City of Vista (Annexation) - Vista Fire Protection District (Detachment)	Linda Heckenkamp	Application submitted in June 2020 by landowner petition and involves annexation to the City of Vista of approximately 4.94 acres for wastewater service and concurrent detachment from Vista Fire Protection District. The affected territory has proposed development of 15 residential lots. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
19	RO20-13 “Valley Center Community Services District -County Service Area No. 138 Reorganization” - Valley Center Community Services District (Dissolution) - County Service Area No. 138 (Formation)	Linda Heckenkamp	Application submitted in June 2020 by resolution and involves the concurrent dissolution of Valley Center Community Services District and formation of County Service Area No. 138 to assume park and recreation services. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
20	RO20-14 “San Diego County Fire Protection District Reorganization” - County Service Are No. 135 (Divestiture of Fire Protection and EMS Functions) - San Diego County Fire Protection District (Formation)	Robert Barry	Application submitted June 2020 by resolution of the County Board of Supervisors. Involving the divesture of latent powers for fire protection and emergency medical service functions of County Service Area No. 135 and the concurrent formation of a dependent San Diego County Fire Protection District within the divestiture territory. The submitted proposal is scheduled for the October 5 th Commission hearing.
21	RO20-15 “Sunrise-Barham Drive Reorganization” - City of San Marcos (Annexation) - Vallecitos Water District (Annexation)	Robert Barry	Application submitted in July 2020 by landowner petition and involves annexation to the City of San Marcos and Vallecitos Water District of approximately 14.4 acres for wastewater and fire protection services. The affected territory has proposed development of 192 multi-family units. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
22	RO20-16 “Sringeri Vidya Bharati Foundation Temple Reorganization” - Rincon Del Diablo Water District (Annexation)	Robert Barry	Application submitted August 2020 by resolution and and involves annexation to the City of San Marcos and Vallecitos Water District of approximately 19.52 acres for water service. The affected territory has proposed development of a temple project. The submitted proposal is scheduled for the October 5 th Commission hearing.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
23	RO20-17 “Papp-Olive Avenue Reorganization” - Vallecitos Water District (Annexation) - Vista Irrigation District (Detachment)	Robert Barry	Application submitted in August 2020 by landowner petition and involves annexation of approximately 1.2 acres for water and wastewater service. The affected territory is developed with a single-family residence. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
24	RO20-18 “Plumosa Avenue Reorganization” - City of Vista (Annexation) - Vista Fire Protection District (Detachment)	Linda Heckenkamp	Application submitted in September 2020 by resolution of the City of Vista and involves annexation of approximately 0.7 acres for wastewater service. The affected territory is developed with a single-family residence. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
25	RO20-19 “Lakeside Water District – Riverford Road Reorganization” - Lakeside Water District (Annexation) - Padre Dam Municipal Water District (Detachment)	Robert Barry	Application submitted in September 2020 by resolution of the Lakeside Water District and involves annexation of approximately 5.0 acres for water service. The affected territory is undeveloped with a proposed development by the District for a groundwater treatment facility. The submitted proposal application is incomplete and pending receipt of additional documentation and information from the applicant to complete staff’s analysis.
ACTIVE PROPOSALS POST COMMISSION ACTION			
26	SA16-20 LP16-20 “CSA 135 Islands Reorganization” - CSA 135 – LP Fire Area (Latent Powers Expansion) - Bonita-Sunnyside FPD (Annexation) - Lakeside FPD (Annexation) - San Miguel FPD (Annexation) - Ramona MWD (Annexation)	Robert Barry	Proposal submitted November 2016 by resolution of the San Diego County Fire Authority. Involved annexation of remaining unserved Islands 2, 3, and 4 via reorganization of local fire service territory among five local agencies: CSA 135; Bonita-Sunnyside FPD; Lakeside FPD; Ramona MWD; and San Miguel FPD. Reorganization involved annexation to the subject agencies and expansion of CSA No. 135’s latent powers to provide fire protection and emergency medical services to three unincorporated and unserved island areas totaling approximately 21,048 acres. Conforming amendments to add the affected territory to the subject agencies’ spheres of influence were also required. The reorganization proposal was approved February 4, 2018 and is now pending recordation once all terms are satisfied. A noticed protest hearing was held on March 13, 2019 at the LAFCO office. No protest was received by affected registered voters or landowners.
27	SA18-07 OAS18-07 “Carmichael Drive – Wyman Service Agreement” - City of La Mesa (Sphere Amendment, OAS)	Robert Barry	Proposal involves an outside-of-agency contractual wastewater service agreement between the property owner and the City of La Mesa. OAS covers extension of City wastewater sewer service to one existing unincorporated single-family residence located outside of the La Mesa sphere of influence. The purpose of the OAS is to allow the landowner to proceed with an intensity improvement to develop an accessory workshop unit, which exceeds the permitted capacity of the existing onsite septic system. The proposal was approved by the Commission on April 8, 2018 and is now pending recordation once all terms are satisfied.

File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
28	CO20-06 “County Service Area No. 137 - Live Oak Springs Formation” - Formation of County Service Area No.137 (Live Oak Springs Water)	Linda Heckenkamp	Proposal application submitted April 2020 by resolution of the County of San Diego. Involves formation of County Service Area No. 137 to assume retail water service responsibility for a failing private water company located in the unincorporated community of Live Oak Springs in the southeastern portion of unincorporated San Diego County. The affected territory includes approximately 151.5 acres. The proposal was approved by the Commission on June 1st, 2020 with a protest hearing held on July 2 nd and now pending recordation once all terms are satisfied.
29	RO19-15 OAS19-15 “Hamilton-Felicita Reorganization” - City of Escondido (Annexation) - CSA No. 135 (Detachment) - Rincon del Diablo MWD (ID”E”) (Exclusion)	Linda Heckenkamp	Proposal application submitted in August 2019 by landowner petition requesting reorganization with the City of Escondido of two unincorporated parcels totaling approximately 0.63 acres and each developed with one single-family residence. Both residences provided documentation of failing/failed septic systems. Emergency OAS agreements for wastewater were granted to resolve the health and emergency situation in advance of annexation to Escondido. Reorganization with Escondido also required concurrent detachment from CSA No. 135 (Regional Communications) and exclusion from RDDMWD ID”E.” The proposal was approved by the Commission on June 1st, 2020 and is now pending recordation once all terms are satisfied.
30	CO20-01 “Anthony Heights - Lupa Change of Organization” - Vallecitos Water District (Annexation)	Robert Barry	Application submitted in February 2020 by landowner petition and involves annexation of one unincorporated residential parcel totaling approximately 1.35 acres to Vallecitos WD for wastewater service along with a 0.16 acre frontage portion of Nordahl Road. The proposal was approved by the Commission on August 3 rd 2020 and now pending recordation once all terms are satisfied.
31	CO20-03 “Orphan – Eolus Avenue Change of Organization” - Leucadia Wastewater District (Annexation)	Linda Heckenkamp	Application submitted in February 2020 by resolution of Leucadia WWD and involves annexation of approximately 0.56 acres within its boundaries for connection to public wastewater service. The proposal was approved by the Commission on August 3 rd , 2020 now pending recordation once all terms are satisfied.
<p>PENDING PROPOSAL APPLICATION SUBMITTALS (No project manager; inquiries should be direct to Robert Barry)</p>			
32	Pending “Harvest Hills Reorganization” - City of Escondido		This anticipated reorganization proposal is currently undergoing development and environmental review by the City of Escondido. Submittal to LAFCO anticipated for late 2020-2021. The anticipated proposal involves annexation of approximately 1,098 acres to the City for the primary purpose of developing a 550-lot residential subdivision. All of the affected territory lies outside the adopted Escondido sphere. Due to the scope of the proposal area a comprehensive update of the City’s sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders. Project was originally titled as “Safari Highlands.”

	File Number	Proposal Name Affected Agencies	Project Manager	Proposal Summary
33	Pending	"Rancho Lomas Verde Reorganization" - City of Vista		This anticipated reorganization proposal is undergoing development and environmental review by the City of Vista. The anticipated proposal involves annexation of approximately 300 acres to the City of Vista and concurrent detachments from CSA 135 and the Vista FPD to facilitate a 153-lot residential development. Close to three-fourths of the project area lies outside the adopted Vista sphere. Due to the scope of the proposal area a comprehensive update of the City's sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders.
34	Pending	"Sager Ranch Reorganization" - City of Escondido		This anticipated reorganization involves annexation of approximate 1,800 unincorporated acres to the City of Escondido and concurrent detachments from CSA 135 and the Valley Center FPD. The reorganization would facilitate the proposed development of approximately 200 acres to include 203 residential units and a 225-room resort. Portions of the project area lies outside the current City sphere. Due to the scope of the proposal area a comprehensive update of the City's sphere is warranted along with preparing the supporting municipal service review document. These and issues have been communicated to the City and are currently under joint review with other stakeholders.
35	Pending	Harmony Grove Village South (TM-626)		This anticipated reorganization involves the unincorporated Harmony Grove Village South project and specific to accommodating sewer services (among a variety of options) for the planned development of approximately 111 acres to include 453 residential units. On January 27, the San Diego Superior Court overturned the County development approvals for the project.

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5C
AGENDA REPORT
 Business | Discussion

September 18, 2020

TO: Cities Advisory Committee
FROM: Keene Simonds, Executive Officer
SUBJECT: Progress Report on 2020-2021 Workplan

SUMMARY

The Cities Advisory Committee (“Committee”) will receive a progress report with respect to the Commission accomplishing specific projects included in the adopted workplan for 2020-2021. The report is being presented to the Committee for discussion and feedback along with the opportunity to identify potential amendments and/or other projects in future workplans.

BACKGROUND

The Commission’s current fiscal year workplan includes 26 projects and divided into two distinct categories – statutory and administrative – with the latter representing discretionary activities. The workplan is further divided into three priority rankings: high; moderate; or low.

DISCUSSION

This item provides the Committee an opportunity to review the Commission’s current workplan and provide real-time input before the close of the first quarter. All workplan projects are detailed in Attachment One along with their current status.

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ANALYSIS

San Diego LAFCO has initiated work on 14 of the 26 projects included in the current workplan and represents nearly one-half – or 46% – of the total during the first quarter of the fiscal year. Most of the initiated work involves high-priority projects that have been forwarded from the prior fiscal year and includes several comprehensive municipal service reviews in the North County region. This includes studies involving the Escondido, San Marcos, and Vista regions.

RECOMMENDATION

This item is presented to the Committee for discussion and feedback only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the Committee’s agenda as part of the business calendar. It will include a brief verbal presentation from staff followed by discussion from the Committee.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) 2020-2021 Workplan with Status Notations



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

2020-2021 Workplan

Introduction:

Local Agency Formation Commissions' (LAFCOs) operate under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 ("CKH") and are delegated regulatory and planning responsibilities by the Legislature to oversee the formation and subsequent development of local government agencies and their municipal service areas. Common regulatory functions include approving jurisdictional changes and outside service requests. Common planning functions include preparing studies to independently evaluate the availability, performance, and need for municipal services and establishing and updating spheres of influence – which are the Legislature's version of urban growth boundaries and gatekeepers to future jurisdictional changes – for all cities and special districts. All regulatory and planning activities undertaken by LAFCOs may be conditioned and must be consistent with policies and procedures.

Objective:

This document represents San Diego LAFCO's ("Commission") formal 2020-2021 Workplan. The Workplan draws on the recommendations of the Executive Officer as vetted and approved by the Commission. The Workplan is divided into two distinct categories – statutory and administrative – with one of three priority rankings: high; moderate; or low. The underlying intent of the Workplan is to serve as a management tool to allocate Commission resources in a transparent manner over the 12-month period. Further, while it is a stand-alone document, the Workplan should be reviewed in relationship to the adopted operating budget given the planned goals and activities are facilitated and or limited accordingly. Additionally, and as needed, the Commission reserves discretion to amend the Workplan during the fiscal year to address changes in resources and or priorities and to carry-forward projects into subsequent years.

Executive Summary:

The 2020-2021 Workplan continues to guide the Commission to prioritize resources in addressing statutory duties and responsibilities. This includes continuing work on existing projects established – but not yet completed – from earlier fiscal years and marked by completing municipal service reviews for the Escondido, Vista, San Marcos, and Fallbrook-Rainbow regions. Several policy updates are also scheduled and include reviewing LAFCO's existing policies regarding the identification and authorization of special district service functions and classes. Other administrative projects filling the Analyst I/II position and securing a long-term office lease.

Priority	Level	Type	Project	Description and Key Issues	Status
Continual	...	Statutory	Applicant Proposals	LAFCO will prioritize resources to address proposals involving boundary changes and outside service requests and includes the following prominent proposals already on file or expected to be filed in 2020-2021: <ul style="list-style-type: none"> - Fallbrook PUD/Rainbow MWD/County Water Authority - Reorganization of CSA No. 135 into FPD - Fallbrook PUD Latent Powers Activation - Reorganization of Valley Center CSD into CSA - Harvest Hills (Escondido et al) 	
Continual	...	Administrative	Targeted LAFCO Presentations	LAFCO will prioritize public outreach; emphasis on informing stakeholders ahead of MSR work	
1	High	Statutory	MSR Fallbrook-Rainbow Region	Reviews of Fallbrook PUD, Rainbow MWD, San Luis Rey MWD, & North County FPD	In progress
2	High	Statutory	MSR Escondido Region Part II	Review of the City of Escondido; follows completion of Part I (Rincon del Diablo MWD and Deer Springs FPD) in 2019-2020	In progress
3	High	Statutory	MSR Resource Conservation Services	Countywide study on RCD services; reviews of Mission RCD, Upper San Luis Rey RCD, & Greater San Diego RCD	In progress
4	High	Administrative	Policy Review Ag and Open Space	Update existing policies and procedures involving ag and open space; incorporate stakeholder outreach (Farm Bureau, etc.)	Near completion
5	High	Administrative	Policy Review Rule No. 4	Update Rule No. 4 and its provisions guiding LAFCO's duty to identify and establish special districts' service functions and classes	Pending
6	High	Statutory	MSR Poway Region	Review is specific to the City of Poway	In progress
7	High	Statutory	MSR San Marcos Region	Reviews of the City of San Marcos, San Marcos FPD, & Vallecitos WD	In progress
8	High	Statutory	MSR Vista Region	Reviews of the City of Vista, Vista ID, Vista FPD, & Buena SD	In progress
9	High	Administrative	Analyst I/II Position	Perform recruitment and hire of a new Analyst I/II	In progress
10	High	Administrative	Office Space	Current lease for office space with County of San Diego expires in August 2020 with no extension options	Pending
11	Moderate	Statutory	MSR Ramona Region	Review is specific to the Ramona MWD	In progress
12	Moderate	Statutory	MSR Pauma Valley Region	Reviews of Pauma MWD, Pauma CSD, Yuima MWD, Mootamai MWD, and Rincon Ranch CSD	Pending
13	Moderate	Administrative	Cities Advisory Committee	Staff and maintain feedback with Cities Advisory Committee and hold no less than two formal meetings in FY	Pending
14	Moderate	Administrative	Special Districts Advisory Committee	Staff and maintain feedback with Special Districts Advisory Committee and hold no less than three formal meetings in FY	Pending
15	Moderate	Administrative	Live-Streaming	Expand LAFCO's real-time accessibility to the general public to include live streaming meetings	Near completion
16	Moderate	Administrative	2019-2020 Audit	Coordinate outside consultant's review of financial statements for 2019-2020 and identify opportunities to improve accounting system	Pending
17	Moderate	Administrative	Policy Review Study Schedule	Update study schedule calendaring municipal service reviews to reflect current progress and related observations	Pending
18	Moderate	Administrative	SANDAG	Re-establish regular participation in SANDAG's Technical Working Group (TWG)	Pending
19	Moderate	Administrative	State Groundwater Management Act	Prepare report on State Groundwater Management Act (SGMA) implementation in San Diego County relative to LAFCO duties/interests	Pending
20	Moderate	Administrative	CALAFCO	Participate in CALAFCO through the Board, Leg Committee, and Annual Workshop and Conference in FY	In progress
21	Low	Administrative	Application Procedures	Streamline existing application packet to be more user-friendly; address new statutory requirements	Pending
22	Low	Statutory	MSR Oceanside and Carlsbad Region	Reviews of the Cities of Oceanside and Carlsbad as well as Carlsbad MWD and Morro Hills	Pending
23	Low	Statutory	MSR Encinitas Region	Reviews of the City of Encinitas and Leucadia WWD, Olivenhain MWD, & San Dieguito WD	Pending
24	Low	Administrative	SOI/MSR Annual Report	Prepare annual report to serve as living record of all sphere actions in San Diego County	Pending
25	Low	Administrative	Local Agency Directory	Create user-friendly publication identifying and summarizing local governmental agencies subject to LAFCO oversight	Pending
26	Low	Administrative	Social Media	Establish social media presence as a new communication forum; develop policies/procedures accordingly	Near completion



San Diego County
Local Agency Formation Commission
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AGENDA REPORT
 Business | Discussion

September 18, 2020

TO: Cities Advisory Committee

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

SUBJECT: Proposed Update to Agricultural and Open Space Lands Policy

SUMMARY

The Cities Advisory Committee (“Committee”) will review a proposed update to the Commission’s “Preservation of Open-Space and Agricultural Lands Policy.” The proposed update is currently under public review and includes several substantive revisions that collectively aim to better balance the Commission’s statutory direction to preserve agricultural and open space resources while reflecting local conditions and objectives. This latter consideration includes – notably – policy provisions to encourage new agricultural uses. The update is being presented for discussion and feedback and ahead of the Commission considering approval of the item at a scheduled October 5th hearing.

BACKGROUND

Agricultural and Open Space Lands Policy

The Commission’s Preservation of Open-Space and Agricultural Lands Policy was adopted in November 1978 and last amended in May 1998. The policy restates germane provisions of statute with respect to tasking the Commission to preserve open-space and agricultural lands and associated procedures. This includes a premising statement to discourage proposals that would convert prime agricultural or open-space lands to other uses the actions would promote the planned orderly and efficient development of an area.

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Scheduled Update to Agricultural and Open Space Lands Policy | Initial Presentation and Feedback on a Draft Update in March 2019

The Commission's current 2020-2021 workplan outlines over two-dozen project goals for the fiscal year and includes continuation of an earlier scheduled update to the Commission's Preservation of Open-Space and Agricultural Lands Policy as a high priority. The project was originally scheduled as part of the 2018-2019 workplan with an initial draft update presented to the Commission in March 2019 with subsequent direction to staff to revisit and perform local stakeholder outreach. The Executive Officer subsequently requested and received approval to continue the project into 2020-2021.

DISCUSSION

This item is for the Committee to review and discuss a proposed update to the Preservation of Open-Space and Agricultural Lands Policy. The update has been prepared by staff and incorporates input solicited from key stakeholders – including the San Diego County Farm Bureau and Wildlife Habitat Conservation Coalition – and was presented for discussion at the Commission's August 2020 meeting with direction therein to proceed with a formal public review period. Notable revisions reflected in the proposed update are summarized below and detailed in Attachment One.

- Distinguish Between Agricultural and Open Space Lands
Bifurcate the policy to explicitly distinguish between agricultural and open space lands and their distinct societal functions relative to Commission's duties.
- Address Wildlife and Local Habitat Planning in Open Space Considerations
Expand the policy to distinguish differences in open space types and prioritize the protection of natural (unbuilt) open space lands supporting wildlife.
- Use of Open Space as Municipal Greenbelts
Encourage the County of San Diego and cities to strategically coordinate and maintain open space lands as municipal greenbelts and create community separators. This addition – pertinently – recognizes open space as a municipal service.
- Expand Focus to Address All Agricultural
Expand the policy provisions from its existing focus on prime agriculture to address all agriculture (i.e. unique farmland, farmland of statewide or local importance, etc.).
- Distinguish Between In-Ground and Above-Ground Agriculture
Revise the policy to make distinctions between above-ground agriculture activities (e.g. floral nurseries) and in-ground activities (e.g. row crops) and provide the Commission additional latitude in considering proposals involving the former category.

- No Harm Provision: Lands No Longer Viable for Agricultural Use
Add a policy exception for lands that otherwise qualify as agriculture or prime agriculture under statute (i.e., potential to generate a commodity value of at least \$400 an acre) if disused for agricultural purposes over the preceding 60-month period. This provision helps to locally quantify the economic viability of agricultural uses for lands subject to Commission proceedings and intended to also encourage (or not discourage) new agricultural ventures without triggering future LAFCO restrictions.
- Extending Municipal Services to Support Agricultural Uses
Broaden the policy to contemplate circumstances when the extension of municipal services to agricultural lands through jurisdictional changes and/or out-of-agency contracts may be appropriate in maintaining economic vitality.

ANALYSIS

The Commission's Preservation of Open-Space and Agricultural Lands Policy directly addresses the Commission's central and sometimes competing interests in statute to protect agricultural and open space while accommodating new growth and development. The proposed update incorporates earlier Commission feedback as well as solicited stakeholder input to better address this balance relative to current trends and local conditions. These efforts are highlighted by the seven highlighted revisions detailed in the preceding section and collectively reflect a more proactive approach to communicating Commission orientation towards agriculture and open space lands to potential applicants.

RECOMMENDATION

This item is presented to the Committee for discussion and feedback only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the Committee's agenda as part of the business calendar. It will include a brief verbal presentation from staff followed by discussion from the Committee.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) Proposed Update to Agricultural and Open Space Lands Policy (track-changes)

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LEGISLATIVE POLICY L-101

Subject

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

Purpose

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation and enhancement of natural open space and prime agricultural lands and provide guidance therein to applicants and other interested parties.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space and agriculture (Govt. Codes § 56300 and 56377). This includes considering the effects of all spheres of influence and jurisdictional changes on open space and agricultural lands (Govt. Codes § 56425 and 56668). Additional instruction involves prime agricultural lands and open space supporting wildlife as defined under Fish and Game Code 89.5. LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Specifically, Commissions are directed to guide development away from prime agricultural lands and open space supporting wildlife – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant lands within an agencies' boundaries or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open space lands outside of an agency's boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

Gov. Code § 56064 contains a definition of "Prime Agricultural Land." "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

Commented [S1]: "enhancement" reflects SD LAFCO discretion to proactively aid existing and new ag and open space uses

Commented [S2]: Unbuilt open space; excludes golf courses, parks, and other improvements, park spaces

Commented [S3]: striking of "prime" broadens policy coverage consistent with legislative direction to LAFCOs in 56300 to "establish written policies and procedures and exercise its powers pursuant to this part and in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space and agricultural lands with those patterns"

Commented [S4]: "guidance" added to reflect the disclosure aspect/role of the policy

Commented [S5]: 56300 references "agricultural lands" and 56377 references "prime agricultural lands"

Commented [S6]: attempt to highlight order of significance to LAFCOs with respect to ag lands (important) and prime ag lands (most important)

Commented [S7]: "supporting wildlife" serves to distinguish between natural open space v. vacant land...

- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plan products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Policy

It is the policy of the San Diego Local Agency Formation Commission to:

1. Make appropriate distinctions between open space and agriculture and their separate functions and benefits.
2. Protect and preserve open space lands – and of most importance lands that support wildlife – against their premature conversion.
 - (a) Discourage proposals that would convert open space to other uses.
 - (b) The Commission reserves discretion to consider proposals involving the conversion of open space based on local conditions and in conjunction with ensuring orderly growth and development reflecting local habitat planning.
 - (c) Encourage the County of San Diego and incorporated cities to coordinate the designation and protection of open space lands and associated uses as community greenbelts and separators.

Commented [S8]: make explicit distinction between open space and ag

Commented [S9]: objective for open space is to protect and preserve and different from ag (protect and enhance)

Commented [S10]: Wildlife Coalition...

Commented [S11]: tie back into land use authorities' planning

Commented [S12]: telegraphing tool to land use authorities

LEGISLATIVE POLICY L-101

3. Protect and enhance agricultural lands and their uses.

(a) Discourage proposals that would convert any agricultural lands – including and of highest priority prime agricultural – or open space lands to other uses, unless such an action would not promote the planned, orderly, efficient development of an area or the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;

Commented [S13]: objective for ag is to protect and enhance and different from open space (protect and preserve)

(b) The Commission reserves discretion to consider proposals involving the conversion of agriculture based on local conditions and in conjunction with ensuring orderly growth and development. This includes considering the economic viability of agricultural uses within the affected territory.

Commented [S14]: opportunity for landowners to show LAFCO that ag is not cost-effective

(c) No harm provisions.

i) Lands otherwise qualifying as agricultural under Gov Code Section 56016 and prime agriculture under Gov Code Section 56064 shall not be subject to this policy and its limitations on conversions if left fallow, unsown, or disused for agricultural purposes at the present time and for more than 60 consecutive months.

Commented [S15]: makes explicit the sunset provided in statute with the addition of unsown and disused, i.e. long-time ag uses are no longer viable

ii) Lands otherwise qualifying as agricultural under Gov Code Section 56016 and prime agriculture under Gov Code Section 56064 shall not be subject to this policy and its limitations on conversions if their qualification commenced only within the last 60 consecutive months.

Commented [S16]: does not penalize new ag ventures

(d) Encourage landowners to establish and/or expand agriculture uses if permissible under zoning. This includes – but not limited to – the Commission considering proposals to extend municipal services in support of maintaining and enhancing agricultural uses.

(d) Recognize the uniqueness of agricultural uses in San Diego County to include above-ground and mobile production, such as nurseries, that merit separate considerations when applying State statutes.

Commented [S17]: addresses broad definition for prime ag in LAFCO law to include any land that produces an annual gross value of \$400 per acre (not net but gross...) under 56016(e)

Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;

L-101 LEGISLATIVE POLICY

34. Follow San Diego LAFCO's adopted procedures when reviewing proposals that could effect agricultural and open space lands and provided herein as Appendix A. to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

Adopted: November 6, 1978
Amended: June 4, 1990
Amended: May 4, 1998
Technically Updated: January 1, 2001
Technically Updated: June 16, 2015

Cross-reference Appendix:

SAN DIEGO LAFCO PROCEDURES:
-Open Space and Agricultural Preservation

APPENDIX A

Open Space and Agricultural Preservation

The Cortese-Knox-Hertzberg Act requires LAFCOs to consider how adoption of spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. In determining spheres of influence, LAFCOs are directed to prepare a written statement of determinations with respect to the present and planned land uses including agricultural and open space lands (56425(e)(1)).

In reviewing and approving or disapproving proposals for changes of organization, LAFCOs must consider the effect of the proposal on maintaining the physical and economic integrity of agricultural lands (56668) and guide development away from existing prime agricultural and open space lands and towards areas containing non-prime agricultural lands — unless that action would not promote the planned, orderly, efficient development of an area (56377(a)). LAFCOs are further directed to encourage development of existing vacant or non-prime agricultural lands within a jurisdictional boundary or sphere of influence before approving a proposal that would allow development of open-space lands outside of the jurisdiction (56377(b)).

Definitions

Agricultural Lands: Agricultural land means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (56016).

Prime Agricultural Land: Prime agricultural land means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications (56064):

1. Land that, if irrigated, qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification whether or not the land is actually irrigated, provided that irrigation is feasible;

2. Land that qualifies for rating 80 through 100 Storie Index Rating;
3. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July 1967, developed pursuant to Public Law 46, December 1935;
4. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre; or
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years;

Open Space: Open space is any parcel or area of land or water that is substantially unimproved and devoted to an open-space use and designated on a local, regional or state open space plan as any of the conditions described in Section 65560(b)(1) through (6).

Procedure

The following criteria will be considered when reviewing a proposal that could adversely affect agricultural and open space lands:

1. The use and value of the proposal area and surrounding parcels;
2. Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans and the County Agricultural Element; and

3. Determination of:
 - A. Whether public facilities would be extended through or adjacent to any other agricultural lands to provide services to the development anticipated on the proposal property;
 - B. Whether the proposal area is adjacent to or surrounded by existing urban or residential development;
 - C. Whether surrounding parcels may be expected to develop to urban uses within the next five years; and
 - D. Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.

Special Annexation Procedures for Williamson Act Territory (51243.5, 56738, 56752)

The Williamson Act provides that a property owner may enter into a contract with a county or city whereby the assessed property taxes are reduced in return for keeping the property in an agricultural preserve for a minimum of ten years. Except as provided in Government Code Section 51243.5, on and after the effective date of an annexation by a city of any land under contract with the county, the city shall succeed to all rights, duties, and powers of the county under the contract.

A city may refuse to succeed to a Williamson Act contract if either of the following conditions exist:

1. Prior to December 8, 1971 the land being annexed was within one mile of the city boundary when the contract was executed and the city filed a resolution protesting the contract with the board of supervisors;
or

L-101 LEGISLATIVE POLICY

2. Prior to January 1, 1991: (a) the land being annexed was within one mile of the city boundary; (b) the city had filed a resolution protesting the contract with LAFCO; (c) LAFCO held a hearing to consider the protest; (d) LAFCO made a finding of inconsistency with future land use; and (e) LAFCO approved the city's protest.

Please refer to the applicable code sections for specific procedures regarding the annexation of Williamson Act territory.



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

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AGENDA REPORT
 Business | Discussion

September 18, 2020

TO: Cities Advisory Committee

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

SUBJECT: Update on Reorganization Proposals Filed by Fallbrook Public Utility District and Rainbow Municipal Water District to Concurrently Detach from the San Diego County Water Authority and Annex to Eastern Municipal Water District

SUMMARY

The Cities Advisory Committee (“Committee”) will receive an update on the administrative reviews underway for two related but separate reorganization proposals filed by the Fallbrook Public Utility District and Rainbow Municipal Water District to transition wholesale water service providers from the San Diego County Water Authority to Eastern Municipal Water District. This includes activities undertaken by an Ad Hoc Committee to assist in the administrative reviews and help address disputes among the subject agencies that directly and/or indirectly affected all 18 cities in San Diego County. The item is being presented for discussion with the opportunity to provide feedback to the Committee’s representative to the Ad Hoc Committee (Lydia Romero) and/or LAFCO staff.

BACKGROUND

LAFCO received separate reorganization proposals in March 2020 from Fallbrook and Rainbow to concurrently (a) detach from the San Diego County Water Authority and (b) annex to Eastern. The stated purpose of the reorganizations is to achieve cost-savings for the applicants and their constituents by transitioning the purchase of wholesale supplies. The Water Authority formally responded to the filings by requesting and receiving

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Commission approval in May 2020 to apply alternative conducting authority proceedings if one or both reorganization proposals are subsequently approved. This substantively means any reorganization approval will bypass standard protest proceedings and directly proceed to a confirmation election of registered voters. The Commission also proceeded to establish an Ad Hoc Committee to directly advise LAFCO staff in the administrative reviews with respect to statutory factors as well as local considerations and done so in recognition of the complexities and controversies underlying both proposals. Members from all four subject agencies (Rainbow, Fallbrook, Eastern, and Water Authority) are on the Ad Hoc Committee as well as other at-large agency representatives, including Lemon Grove City Manager Lydia Romero on behalf of the Cities Advisory Committee.¹

DISCUSSION

This agenda item is for Committee to receive an update on the current administrative reviews on the Fallbrook and Rainbow reorganization proposals and provided feedback as needed. This includes summarizing activities undertaken to date by the 10-member Ad Hoc Committee and their current work on developing a list of specific topics meriting detailed consideration given unique factors underlying the proposals. The resulting list of topics agreed to by the Ad Hoc Committee meriting detailed consideration by LAFCO in the review of the two reorganization proposals follow.

1. Water Supply Reliability

Are the wholesale supplies between the San Diego County Water Authority and Eastern (i.e., MET) substantially different in terms of source, availability, and quality.

2. Ratepayer Impacts

What are the expected rate savings to Rainbow and Fallbrook should LAFCO approve the reorganization proposals as well as the potential rate increases for the remaining 22 member agencies of the San Diego County Water Authority.

3. Departure Fees

Are exit fees needed and/or merited in the form of LAFCO approval conditions to make the San Diego County Water Authority reasonably whole should Fallbrook and/or Rainbow be allowed to detach.

The Ad Hoc Committee also agreed all three above topics merited LAFCO retaining one or more outside consultants. It was similarly agreed all four subject agencies should be directly involved in the selection of the consultant(s) and a subsequent striking system was developed should disagreements emerge. The actual scope of work will be between LAFCO and the consultant(s). Staff anticipates selection of the consultant(s) in the next two weeks.

¹ Ms. Romero was appointed to the Ad Hoc Committee to represent the Cities Advisory Committee by the Executive Officer with concurrence from Chair Dianne Jacob.

Digital copies of all application materials as well as related correspondence received to date on the two reorganization proposals is available online at www.sdlafco.org.

ANALYSIS

The reorganization proposal filings by Fallbrook and Rainbow to detach from the San Diego County Water Authority and annex to Eastern remain in the early stages of their administrative reviews. The topics identified in the preceding section – and highlighted by potential exit fees – are expected to generate considerable discussion with the Ad Hoc Committee and ultimately with the Commission. The Committee is invited to review and discuss these topics as well as other items it believes warrant attention by the Ad Hoc Committee and/or LAFCO staff proceeding forward.

RECOMMENDATION

This item is presented to the Committee for discussion and feedback only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

This item has been placed on the Committee's agenda as part of the business calendar. It will include a brief verbal presentation from staff followed by discussion from the Committee.

Respectfully,



Keene Simonds
Executive Officer

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