



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

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AGENDA REPORT
 Consent | Action

June 6, 2022

TO: Commissioners

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

SUBJECT: **Ratification of an Administrative Approval |
 “Farkas-Felicita Road Outside-of-Agency Service Agreement”
 City of Escondido (OAS22-06)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider ratification of an administrative approval by the Executive Officer for an outside-of-agency wastewater service agreement involving the City of Escondido. The agreement authorizes Escondido to provide wastewater service to an unincorporated single-family residence at 2314 Felicita Road and was approved by the Executive Officer to abate a public safety threat due to a failing septic system. The affected territory lies entirely within the City’s sphere of influence. The Executive Officer’s approval is limited to existing uses and termed on the applicant submitting a complete annexation proposal; it also expires in one calendar year unless a time extension is authorized. It is recommended the Commission ratify the administrative approval.

BACKGROUND

**Outside Service Contracts |
 Statute and Policy Provisions**

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

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcountry.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vice Chair Paul McNamara City of Escondido</p> <p>Mary Casillas Salas City of Chula Vista</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Chris Cate City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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influence in anticipation of later annexations. If the affected territory lies outside the subject agencies’ spheres, outside-of-agency services may only be extended in response to documented threats to public health and/or safety as determined by LAFCO.

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

Applicant Request and Administrative Approval

San Diego LAFCO received a request from interested landowners (Ferenc & Hajnalka Dawn Farkas) in March 2022 for approval to enter into an outside wastewater service contract with the City of Escondido involving an approximate 0.4-acre unincorporated parcel. The subject parcel is developed with a 1,450 square-foot single-family residence, which was built in 1961 with a situs of 2314 Felicita Road (238-320-01). The subject parcel lies immediately adjacent to the existing Escondido boundary and entirely within the City’s sphere of influence. The request is premised on the residence’s existing septic system – which is reportedly pumped routinely to prevent backup – no longer functioning without continual attention. The area is also reported by the Department of Environmental Health to have high groundwater conditions resulting in septic system failures and furthering their recommendation to connect to public wastewater in lieu of replacing the septic system.

Upon receipt of the landowner’s request, LAFCO staff coordinated with the City of Escondido and County of San Diego to verify the need and availability of public wastewater service for the affected territory. This included confirmation from Environmental Health attesting to an existing threat to public safety and recommending connection to a public wastewater system. The Executive Officer proceeded to issue a conditional administrative approval on April 6, 2022, which is provided as Attachment Two.

DISCUSSION

This item is for San Diego LAFCO to ratify the earlier administrative approval by the Executive Officer involving an outside wastewater service agreement allowing City of Escondido to extend wastewater service to the subject parcel at 2314 Felicita Road. The item also provides the Commission the opportunity to offer related direction in processing these types of requests proceeding forward consistent with membership preferences.

¹ Reference to Rule No. 1.8.

ANALYSIS

San Diego LAFCO's administrative approval allowing the City of Escondido to contractually extend wastewater service beyond its jurisdictional boundary to the subject parcel at 2314 Felicita Road conforms to statute and Commission policies. This includes allowing a temporary extension of service to directly abate an existing public health threat as attested by County Health while also providing a clear path towards annexation as the appropriate long-term solution in memorializing Escondido's service area. Administrative approval has been conditioned on limiting wastewater service to only the existing residence; no additional development can be accommodated. Ratification serves to formalize the approval under statute and clarifies the Commission's interest in the Executive Officer administratively processing future requests similarly.

RECOMMENDATION

It is recommended San Diego LAFCO formally ratify the Executive Officer's administrative approval authorizing the City of Escondido to extend public wastewater service to the subject parcel at 2314 Felicita Road in Escondido. This recommendation is consistent with Alternative One outlined below.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Ratify approval of the outside-of-agency wastewater service agreement between City of Escondido and the applicants issued by the Executive Officer on April 6, 2022 and the associated terms as provided in Attachment Two.

Alternative Two:

Continue item to a future meeting.

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,



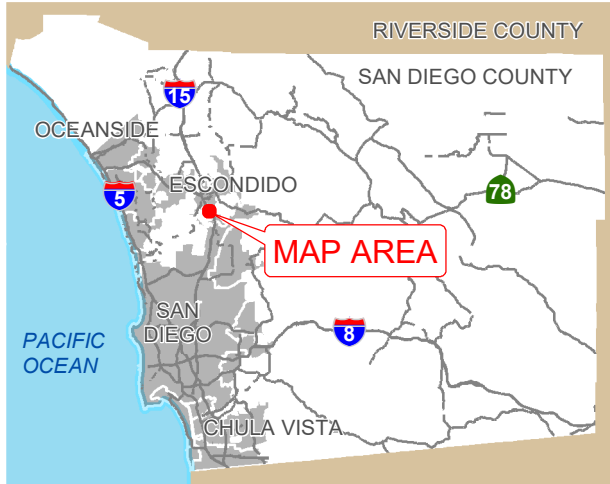
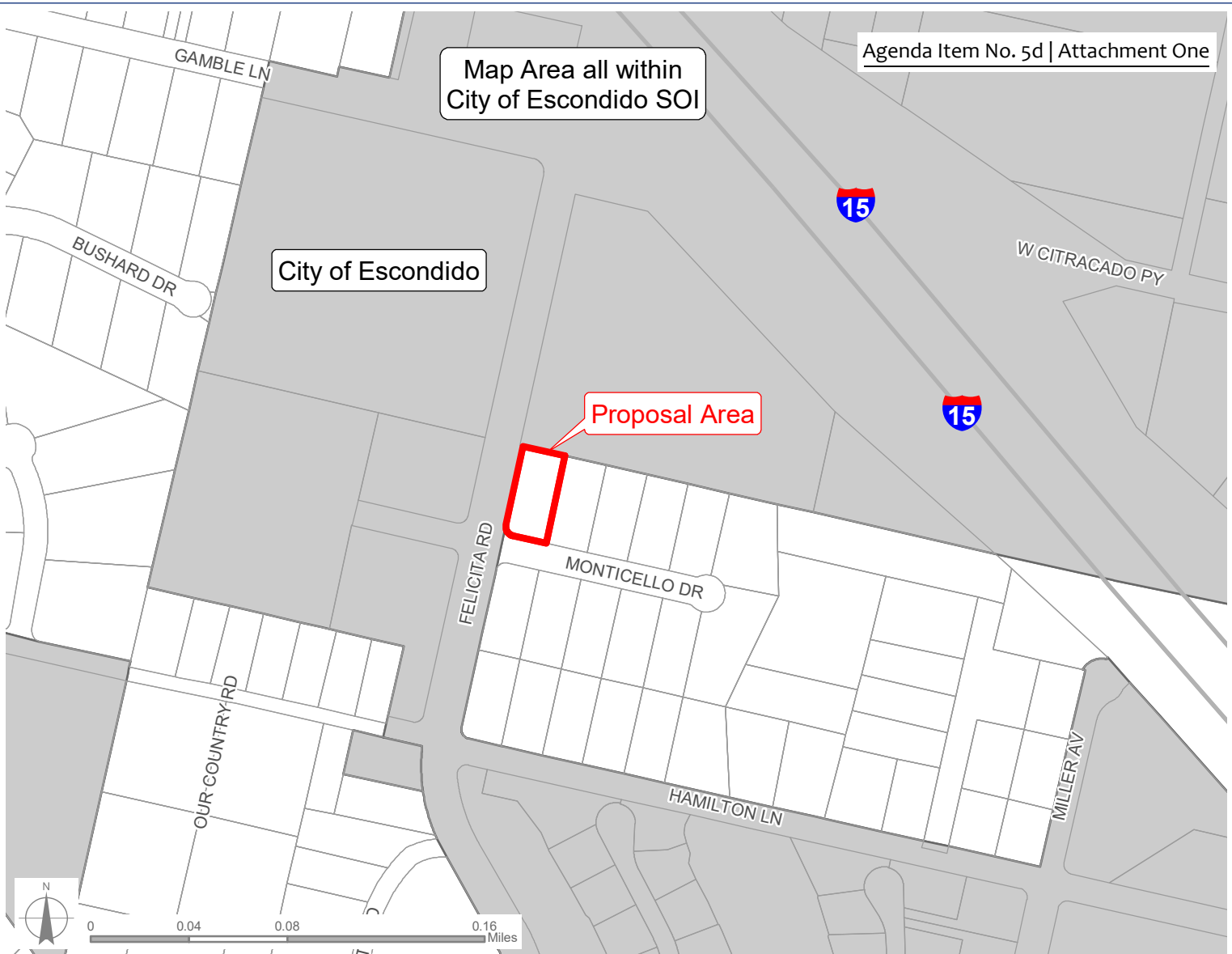
Priscilla Allen
Analyst I

Attachments:

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

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Map Area all within City of Escondido SOI



OAS22-06

"FARKAS - FELICITA ROAD OUTSIDE-OF-AGENCY AGREEMENT" | CITY OF ESCONDIDO

- Proposal Area
- City of Escondido

SOI = Sphere of Influence



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

April 6, 2022

Delivered Electronically:

Ms. Hajnalka "Dawn" Farkas
2314 Felicita Road
Escondido, California 92029
farkas6@gmail.com

SUBJECT: Notice of Conditional Approval:
Contractual Wastewater Service Agreement for the City of Escondido to
serve 2314 Felicita Road (Assessor Parcel Number 238-320-01)

Ms. Farkas:

This letter serves as formal notice of San Diego County Local Agency Formation Commission (LAFCO)'s conditional approval for the City of Escondido to establish contract wastewater service for your property located at 2314 Felicita Road. This conditional approval is authorized under my powers pursuant to Government Code Section 56133 and adopted LAFCO policy and substantiated based on a review of written documentation showing the existing septic system has failed and poses a threat to public health. The conditional approval extends one calendar year unless a time extension is requested and approved and follows a written recommendation from the County of San Diego Department of Environmental Health and Quality to immediately transition the property to public wastewater should it be available.

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

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

Table with 6 columns: Administration, Joel Anderson, Vice Chair Paul McNamara, Chris Cate, Jo MacKenzie, Andy Vanderlaan. Contains contact information for various officials.

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

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

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

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

On behalf of the Executive Officer,

A handwritten signature in black ink, appearing to read "Priscilla Allen". The signature is written in a cursive, flowing style.

Priscilla Allen,
Analyst I

Cc: Adam Finestone, City of Escondido
Ivan Flores, City of Escondido
Desiree Hogervorst, County of San Diego - DEH
Craig Caes, County of San Diego - DEH
Keene Simonds, San Diego LAFCO
Tamaron Lockett, San Diego LAFCO



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**CERTIFICATE OF ADMINISTRATIVE APPROVAL OF A
 CONTRACTUAL WASTEWATER SERVICE AGREEMENT**

**City of Escondido / Ferenc & Hajnalka “Dawn” Farkas
 (LAFCO File No. OAS22-06)**

April 6, 2022

In accordance with California Government Code Section 56133, the San Diego County Local Agency Formation Commission (LAFCO) authorizes the City of Escondido to immediately provide extraterritorial wastewater service by contract to 2314 Felicita Road. The subject property is owned by Ferenc & Hajnalka “Dawn” Farkas and comprises one unincorporated parcel identified by the County of San Diego Assessor’s Office as 238-320-01. The authorized service is limited to supporting the approximate 1,450 square foot single-family residence currently developed on the subject property.

The contracted wastewater service agreement authorization terms in one year – April 6, 2023 – from the date of its administrative approval by the LAFCO Executive Officer unless an extension is approved. In the interim, the landowner of the subject property shall proceed with filing an annexation with LAFCO as the permanent means for the City of Escondido to provide wastewater service.

A map of the subject property is attached.

Confirmation:

KEENE SIMONDS
 Executive Officer

April 6, 2022

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org	Joel Anderson County of San Diego Chair Jim Desmond County of San Diego Nora Vargas, Alt. County of San Diego	Vice Chair Paul McNamara City of Escondido Mary Casillas Salas City of Chula Vista Kristi Becker, Alt. City of Solana Beach	Chris Cate City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David A. Drake, Alt. Rincon del Diablo	Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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CONTRACTUAL SERVICE AGREEMENT APPLICATION FORM

In addition to the materials required for any change(s) of organization, submit the following items:

1. One copy of either an approved Resolution of the City Council/District Board of Directors or a letter from the City Manager/District General Manager requesting approval for a contractual service agreement.
2. One copy of the contract or agreement stipulating the terms and conditions of extending service to the property signed by the property owner(s) and the agency that is to provide the service.
3. LAFCO processing fee. Contact the LAFCO office or refer to fee schedule.

Print/Type Name: FERENC and HAJNALKA / DAWN / FARKAS

Property Address: 2314 Felicita Rd. Escondido, CA. 92029

Phone #: 760)716-6872 or 760)716-6845 Date: 3-25-22

This application is used by LAFCO staff to provide supplemental information for contractual service agreement requests.

1. What type or types of public service(s) will be provided? waste water
2. Why is the service needed? If the service agreement is in response to an emergency health and safety situation, such as a failed septic system, provide information documenting the circumstances (e.g., letter from the County Department of Environmental Health).
3. If a jurisdictional change, such as annexation, is not possible at this time, explain the circumstances that prevent annexation and when the jurisdictional change is anticipated. N/A
4. Are there any jurisdictional issues associated with the YES NO
(If yes, please complete the LAFCO [Policy L-107 form](#))

San Diego Local Agency Formation Commission
 9335 Hazard Way, Suite 200
 San Diego, CA 92123
 (858) 614-7755

Revised 9/7/11



County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
LAND AND WATER QUALITY DIVISION
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 565-5173 or (800) 253-9933 Fax: (858) 514-6583
www.sdcdehq.org

HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

January 26, 2022

Paul Bingham
Assistant Planner II
City of Escondido

RE: Public Sewer Connection Urgency

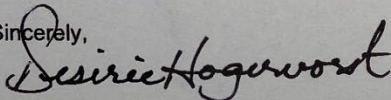
Site Address: 2314 Felicita Rd. Escondido; APN: 238-320-01

Dear Mr. Bingham,

The Department of Environmental Health and Quality (DEHQ) received a request for a site consultation from the owners of the above-referenced property, due to the fact that the onsite wastewater treatment system (OWTS) serving their residence has failed and is in urgent need of replacement. The owners are routinely pumping the septic tank to prevent backup into the house.

This area has a history of high groundwater conditions that have caused OWTS failures, especially during the rainy season. Due to groundwater periodically rising to a suspected depth of 2 feet from ground surface, this property is not suitable for a replacement OWTS repair with supplemental treatment. The parcel borders the City of Escondido sewer district, and if public sewer connection is available, DEHQ requests that connection to the public sewer be completed as soon as possible to remove the potential risk to public health due to a failing system.

Should you have any questions in this matter, please feel free to contact me at (619) 607-8354, or email me at desiree.hogervorst@sdcounty.ca.gov.

Sincerely,


DESIREE HOGERVORST, Environmental Health Specialist II
Land and Water Quality Division

C: Craig Caes, Supervising Environmental Health Specialist
Cc: Dawn Farkas, property owner



County of San Diego

AMY HARBERT
DIRECTOR

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HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

January 26, 2022

Dawn Farkas
2314 Felicita Rd.
Escondido, CA 92029
760-716-6872

RE: Annexation and Sewer Connection for 2314 Felicita Rd, Escondido. APN: 238-320-01

Dear Mr. and Mrs. Farkas,

This letter is being written in response to your request for staff of the County of San Diego, Department of Environmental Health and Quality (DEHQ) to provide consultation regarding a currently failing onsite wastewater system on this property. Although current groundwater levels are unknown, this area has a history of high groundwater conditions that have been problematic, causing septic systems to malfunction, especially during the rainy season. Exceptionally high groundwater will intrude into the leach lines, causing actual and technical failures. Currently this property is not annexed into the City of Escondido.

On January 24, 2022, we met onsite to investigate and discuss current site conditions that are impacting proper operation of your onsite wastewater system. Per our discussion, you have been routinely pumping the septic tank to prevent backup into the house. We observed standing water at approximately 2 feet below grade in the riser pipes that are installed directly into the existing leach lines in the back yard, indicating that there is standing effluent in the lines which is not draining properly, most likely due to high groundwater conditions.

In addition, you as the owner have reported observing groundwater at 2' or less while digging in your yard. The only option for an onsite wastewater system in this case would be the installation of a supplemental treatment system, but water at a depth of 2 feet does not facilitate this option, as a minimum of 2' separation is required from trench bottom to highest groundwater level.

San Diego County Code, Section 68.312(a) requires connection to public sewer upon failure of the onsite wastewater system if the property meets the condition of public sewer availability as follows:

- The property on which the building (structure) is located abuts a public sewer.
- The property is within the boundaries of the sewer district or annexation has been approved by the sewer district.
- The property has easement rights.
- The building or exterior drainage facility is within 200 feet of the sewer.

Currently, your property is not within the boundaries of the sewer district and annexation into the City of Escondido has not yet been approved. The DEHQ requests that you move forward in exploring the option of sewer connection with the City of Escondido, Department of Public Works, Engineering Division. Annexation to the sewer district is likely the only option moving forward. I will contact the City of Escondido in writing with this request.

Should you have any questions in this matter, please call me at (619) 607-8354, or email me at desiree.hogervorst@sdcounty.ca.gov.

Sincerely,



DESIREE HOGERVORST, Environmental Health Specialist II
Land and Water Quality Division