



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

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AGENDA REPORT
 Public Hearing | Action

August 7, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst II

SUBJECT: **Proposed “Camino de la Fuente-Wick Change of Organization” | Annexation to San Diego County Sanitation District and Conforming Sphere of Influence Action (CO22-20)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization initiated by a landowner to annex approximately 35.32 acres of unincorporated territory to the San Diego County Sanitation District (SD). The affected territory as submitted comprises two entire legal parcels (1.05 acres & 34.27 acres) presently undeveloped with limited surface and fencing improvements in the unincorporated community of East Otay Mesa. The subject parcels are currently used by a lessee as a short-term parking lot for commercial trucks associated with the Otay Mesa Port of Entry. The proposal purpose is to extend public wastewater service to the subject parcels and in doing so accommodate the future construction of on-site public restroom facilities in conjunction with the expected increase in short-term parking demands with the pending opening of the East Otay Port of Entry. Staff recommends conditional approval of the proposal as submitted with a conforming sphere amendment. Staff also recommends waiver of protest proceedings and exemption findings under the California Environmental Quality Act.

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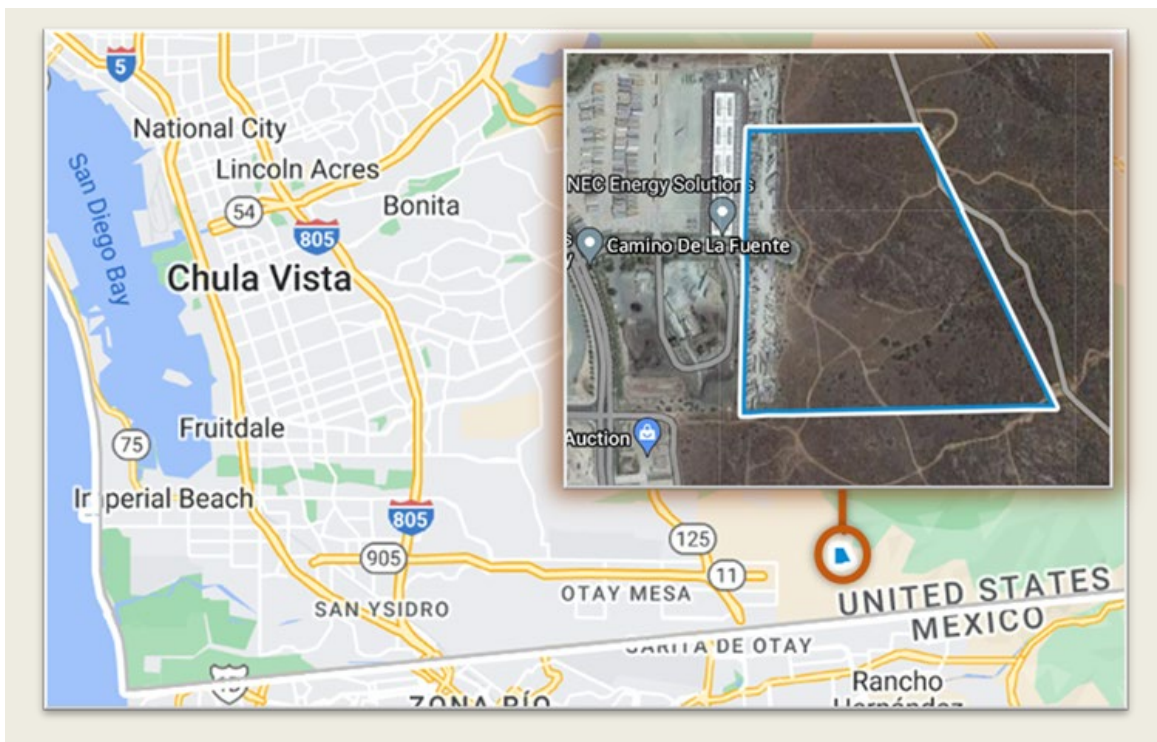
BACKGROUND

Applicant Request

San Diego LAFCO has received a change of organization proposal initiated by an interested landowner – D&D Landholdings and Alta Parcels, L.P (David Wick) – requesting approval to annex approximately 35.3 acres of unincorporated territory in East Otay Mesa to County SD. The affected territory as submitted comprises two entire legal parcels presently undeveloped with basic fencing and surface improvements. The affected territory is presently used by a lessee as a short-term parking lot for commercial trucks associated with the Otay Mesa Port of Entry. The County of San Diego Assessor’s Office identifies the subject parcels as 648-040-42 and 648-040-40 with a common situs of 637 Camino de la Fuente.

Regional Setting

The affected territory lies in southern San Diego County within the unincorporated community of East Otay Mesa, east of State Highway 125, north of State Highway 905, and southwest of the Otay Open Space Preserve. Principal access to the affected territory is provided by Otay Mesa road via Paseo de la Fuente. Most of the surrounding area is under light industrial use and activities. The affected territory lies within County Supervisorial District No. 1 (Nora Vargas), Assembly District No. 75 (Marie Waldron), and Senate District No. 18 (Steve C. Padilla). An aerial map of the affected territory and its regional setting follows. Attachment One shows the affected territory relative to the proposed boundary change involving County SD.



Subject Agencies

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

- **County SD** is a dependent special district governed by the County of San Diego and serves as successor agency to a multi-agency consolidation completed in 2010. The lone active service function is wastewater (collection, treatment, and disposal classes). The jurisdictional boundary spans 46 square miles – or 29,571 acres – and is divided between seven distinct service areas with a combined LAFCO estimated resident population of 141,950. The affected territory lies in the greater “East Otay Mesa” service area. County SD convey flows to the City of San Diego’s adjacent collection system and thereafter to the Point Loma Treatment Facility; the latter operated by the Metro Wastewater Joint Powers Authority with the District as one of the signatories. LAFCO established a sphere of influence for County SD in 2010 with an overall larger-than-agency designation. The sphere was most recently updated in 2019 and excludes 2,106 jurisdictional acres (mostly in the Bonita area) and includes 9,379 non-jurisdictional acres (mostly in Spring Valley area. The most recently prepared audit shows San Diego County SD’s net position at \$139.8 million as of June 30, 2022, and reflects an overall increase of 10.0% over the prior three fiscal years.

Affected Local Agencies

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

- County Flood Control District
- County Service Area No. 122 (Otay Mesa)
- County Service Area No. 135 (Regional Communications)
- County Street Lighting District
- Metropolitan Water District of Southern California
- Otay Water District
- San Diego County Fire Protection District
- San Diego County Water Authority

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: San Ysidro Elementary School District; Sweetwater Union High School District; and Southwest Community College District.

¹ State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

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

DISCUSSION

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

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to facilitate the extension of public wastewater service via County SD and accommodate the anticipated construction of on-site public restroom facilities. This anticipated improvement – notably – is expected in conjunction with the pending opening of the Otay Mesa East Port of Entry. Extension of wastewater would add to existing services to the affected territory that include community planning, law enforcement, and roads from the County of San Diego, fire protection and emergency medical from San Diego County Fire Protection District, and domestic water from Otay Water District.

Development Opportunities

The County of San Diego General Plan designates both subject parcels comprising the affected territory within Specific Planning Area Use Regulations (S88). Specific development policies are delegated to the Otay Subregional Community Plan or more specifically to the East Otay Mesa Specific Plan Area. The present zoning within the specific plan assigns the affected territory as Mixed Industrial Use (M56) with a focus on wholesale storage and distribution, research services, and general industrial uses. This latter assignment provides a minimum lot size of 15,000 square-foot or 0.34 acres.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the proposed change of organization. These policy items take the form of determinations and orient the Commission to consider the stand-alone merits of (a) sphere of influence amendment, (b) timing of the change of organization itself, and (c) whether modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in, and outside LAFCO law as further detailed in the proceeding section.

ANALYSIS

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

California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Conforming Sphere of Influence Amendment

The proposed change of organization necessitates San Diego LAFCO to consider a conforming sphere of influence action for the subject agency to achieve consistency with the requested jurisdictional changes as required under statute and practice as detailed. Consideration of the amendment is premised on LAFCO’s statutory responsibility to designate spheres to demark the affected agencies’ appropriate jurisdictional boundary and/or service areas now and into the immediate future as determined by the Commission. This includes demarking the Commission’s expectation of exclusive responsibilities for one or more municipal services. The amendment prompted by the proposed change of organization involves County SD.

The proceeding analysis is organized to consider three related factors necessitated under statute and local policy. The statutory factors relate to an informing municipal service review along with addressing the general relationship between the agency and affected territory.³ Local policies involve consideration of L-102 and its provisions to guide sphere actions in San Diego County. Analysis of these three sphere factors follow.

- Sphere Factor No. 1:
Consideration of a Municipal Service Review

Statute requires LAFCO to prepare municipal service reviews to inform its related task to regularly review and update all local agencies’ spheres of influence. The statute further directs LAFCO perform sphere updates every five years as needed. The most recent municipal service review prepared by LAFCO germane to the proposal was completed in 2019. The information provided in this most recent municipal service review remains relevant and timely. Among other germane observations, the municipal service review includes the following conclusionary statements on County SD and highlights its overall macro service capacities:

“County SD has adequate capacity in six of its seven service areas – Alpine- Lakeside, Campo, East Otay Mesa, Julian, Pine Valley, and Spring Valley – to accommodate current and projected near-term demands. This comment is substantiated given none of the systems’ average demands generated during the five-year report period exceed 60% of their associated capacities. Capacity in the seventh service area – Winter Gardens – is more limited with average demand tallying 89%.”

“County SD has experienced a steady decline in its net position during the five-year report period with an overall decrease – and excluding pension obligations – of (1.4%) due to ongoing margin losses that underlie a (38.1%) change in its operating reserve

³ Reference to Government Codes 56430 and 56425, respectively.

ratio. This decline is largely attributed to San Diego County SD implementing a five-year rate restructure that draws down on reserves in phasing an ultimate 45.0% raise in customer wastewater rates by 2021-2022. Notwithstanding this recent draw down, San Diego County SD remains in good overall financial standing and finished the period with relatively healthy levels of liquidity and capital with the latter reflected by a debt ratio of less than 10%.”

- Sphere Factor No. 2:
Consideration of the Agency-Affected Territory Relationship

The Legislature prescribes consideration of five factors anytime LAFCOs act on spheres of influence. These factors parallel the macro topics in municipal service reviews with a generalized focus on the relationship with the affected territory – including service needs and adequacy of available services. The factors also orient the Commission to broadly consider the relationship between current and planned land uses in the affected territory plus – and as needed – effects on qualifying disadvantaged unincorporated communities. The factors and staff analysis follow.

- With respect to **present and planned land uses**, the affected territory as submitted comprises two unincorporated parcels within the community of East Otay Mesa. The two undeveloped parcels collectively span approximately 35.3 acres and presently used as a short-term parking lot for commercial trucks crossing the Otay Mesa Point of Entry. The sphere amendment and associated annexation is expected to facilitate the further improvement of the affected territory by providing on-site public restroom facilities consistent with current zoning. The current and planned uses are readily compatible with the proposal and conforming sphere amendment.
- With respect to **present and probable need for one or more public services**, there is pending need for public wastewater services within the affected territory to accommodate the anticipated increase in use as a short-term parking lot for commercial trailers tied to the pending opening of the East Otay Mesa Point of Entry. This pending need is readily compatible with the proposal and conforming sphere amendment.
- With respect to **overall adequacy of the agencies’ public services**, a 2019 municipal service review on County SD attests to the overall sufficiency of resources (infrastructure, finances, etc.) to provide wastewater to the affected territory. Additional analysis on the ability to accommodate the underlying project is included in the proceeding section. No material deficiencies have been identified by LAFCO staff as part of the proposal review.
- With respect to **social or economic communities of interest if relevant to the agencies**, the affected territory lies immediately outside County SD’s sphere of influence and jurisdictional boundary. Amendment to the sphere to include the affected territory would serve to establish direct social and economic ties

between the affected territory and County SD and mirror the interests within the immediate region and related nexus in accommodating growth and development.

- With respect to **present and probable need for services involving any disadvantaged unincorporated communities**, none of the affected territory qualifies under LAFCO statute.
- Sphere Factor No. 3:
Consideration of Policy L-102

San Diego LAFCO’s policies guiding sphere of influence actions are primarily codified under L-102. This policy was adopted in August 1990 and last substantively updated in June 2000. It directs the Commission to utilize spheres to guide deliberations on future changes of organizations and in doing so – and among other growth management objectives – help reflect and preserve community identities. The policy further directs LAFCO to use spheres to discourage duplication of municipal services and similarly encourages local agency consolidations, whether functional or political.

The sphere of influence amendments necessary to accommodate the proposed change of organization conforms with L-102. Most directly, the amendments would facilitate a known and otherwise modest jurisdictional change.

CONCLUSION | MERITS OF A CONFORMING SPHERE OF INFLUENCE AMENDMENT

The conforming sphere of influence amendment to accommodate the proposed change of organization is sufficiently justified under both statute and local policy. Justification is marked by the preceding analysis and largely premised on the following two related assumptions. First, it is assumed the Commission determines the 2019 municipal service review completed on County SD adequately informs the membership in assessing County SD’s *overall* abilities and resources to provide wastewater service to the affected territory (emphasis). Second, it is assumed the Commission agrees the transition of the affected territory into County SD’s sphere is in the best interest of the community’s economic and social well-being now and going forward irrespective of the merits of the actual timing of the proposed change of organization.

Item No. 2 | Change of Organization Timing

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and

local agencies as well as assessing the ability of subject agencies providing services going forward.⁴ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:

Baseline Considerations: Regional Policies + Service Relationships

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

- With respect to **service needs**, the affected territory’s existing and planned light industrial use merits public wastewater. Annexation of the affected territory to County SD for purpose of facilitating the extension of public wastewater service accommodates this need and serves as a preferred alternative to the use of portable facilities as well as – if permissible – an onsite septic system.
- With respect to **service availability and capacities** County SD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands in the affected territory at its planned maximum uses. Additional details follow. An existing County SD wastewater main is located immediately south of the affected territory within the public right-of-way on Camino de la Fuente. It is projected the maximum average day wastewater flow generated within the affected territory is 576 gallons. This projected amount can be readily accommodated by County SD and represents 0.082% of its available treatment capacity remaining within its wastewater system.⁵ Ultimate buildout would include two additional units and increase the average day wastewater flow to 1,152 gallons per day or 0.165% of the remaining available capacity.
- With respect to **related financial considerations**, County SD has adequate financial resources and related administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of recent audited statements, which shows the County SD having established favorable liquidity and capital levels and highlighted by a current ratio

⁴ Reference to Government Code Section 56668.

⁵ San Diego County SD’s existing average day wastewater flow is 0.3 million gallons, which equals 30% of overall capacity allowed within the Metropolitan Wastewater System for East Otay Mesa. The allowable maximum wastewater flow capacity of the San Diego County Sanitation District within METRO is 1 million gallons per day.

of 93 to 1 and debt ratio of less than 1.0%. These measurements provide reasonable assurances of the County SD’s effective financial management and helps lessen concerns regarding recent – albeit minimal – losses marked by an average total margin of (0.05%) over the last 36 months.

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

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.⁶ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

No jurisdictional disputes have been disclosed by County SD. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

CONCLUSION | MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization to annex the affected territory to County SD to facilitate the extension of public wastewater service is warranted. Justification is marked by the preceding analysis and appropriately syncs the need for public wastewater service associated with a light industrial use in a developing area in a manner responsive to existing infrastructure. Additional analysis supporting the conclusion is provided in Appendix B..

Item No. 3 | Modifications and Terms

No modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation that the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features. Staff is recommending applying standard terms of approval.

⁶ The Executive Officer retains discretion to determine the extent of consultation needed.

CONCLUSION | MODIFICATIONS AND TERMS

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

Other Statutory Considerations

Exchange of Property Tax Revenues

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

Environmental Review

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

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the County SD’s sphere to include the affected territory – is a project under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
- San Diego LAFCO also serves as lead agency under CEQA for the change of organization itself given it has been initiated by landowner petition. Staff believes it would be appropriate for the Commission to find this action – and specifically the annexation of the affected territory to the County SD – as a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) and its cross-reference to Section 15303 (d). This exemption appropriately applies given the proposed change of organization involves the extension of public wastewater service

to accommodate the construction of small structures involving restroom facilities.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agency has not filed an objection to the waiver; and the landowners have consented to the underlying action.⁷

RECOMMENDATION

Staff recommends conditional approval of the change of organization proposal as submitted along with a conforming sphere of influence amendment as detailed. This recommendation and ancillary actions are consistent with Alternative One as listed in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution conditionally approving the proposal as submitted (without modifications) and conforming sphere of influence amendment along with making required findings under CEQA. Protest proceedings would also be waived.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

(continued)

⁷ LAFCO law defines uninhabited as territory in which less than 12 registered voters reside.

VI. PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action as part of a noticed public hearing given the associated need for a sphere of influence amendment. The following procedures are suggested.

1. Commissioner disclosures, if any.
2. Receive verbal presentation from staff unless waived.
3. Open the public hearing and invite testimony beginning with the applicant.
4. Discuss the item and consider the staff recommendation.

On behalf of the Executive Officer,



Carolanne Ieromnimon
Analyst II

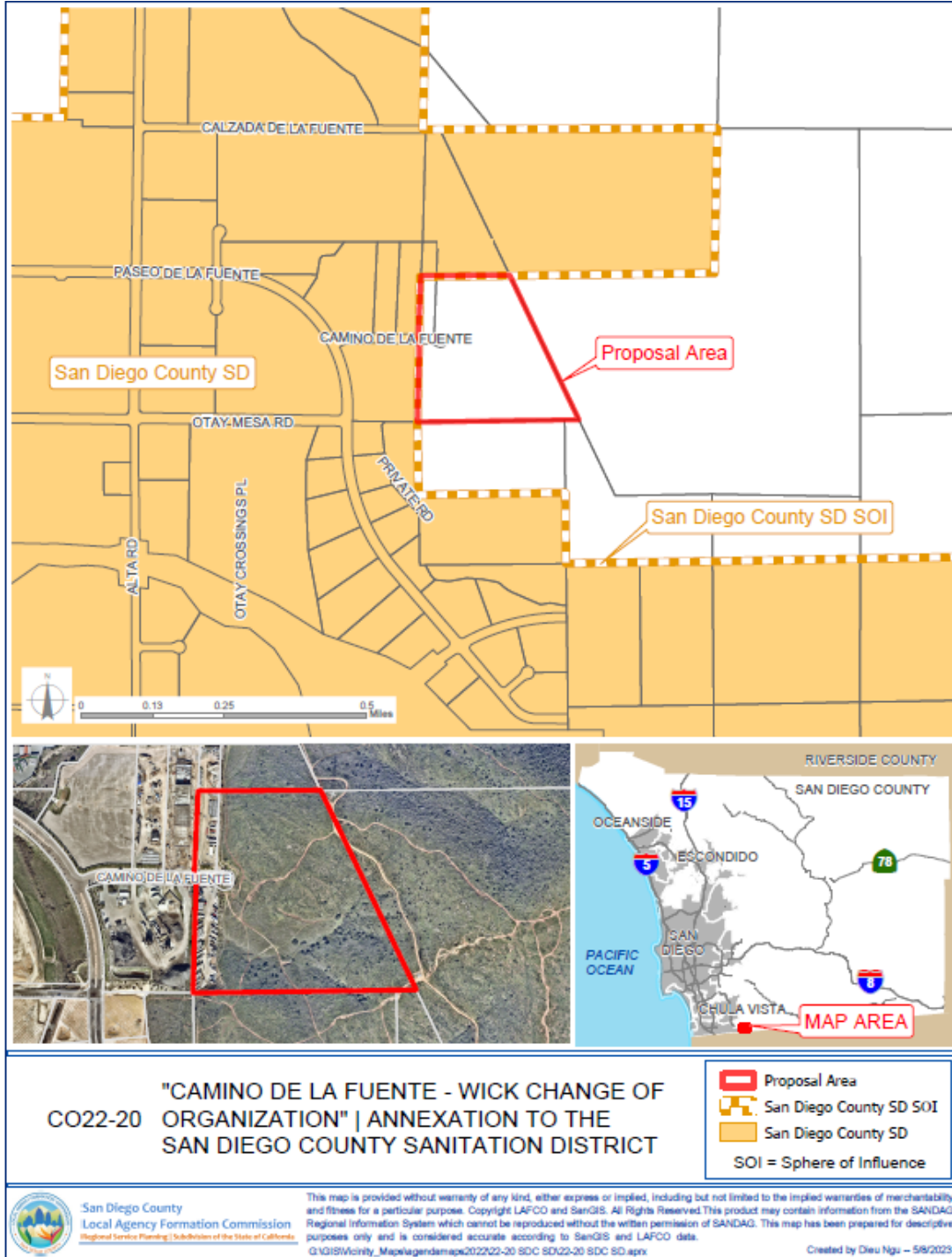
Appendices:

- A) Map of the Affected Territory
- B) Analysis Boundary Change Factors

Attachments:

- 1) Draft LAFCO Resolution of Approval
- 2) Application Materials

APPENDIX A Vicinity Map of the Affected Territory



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APPENDIX B

Government Code Section 56668

Proposal Review Factors

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

The affected territory as submitted comprises two entire legal parcels presently undeveloped with basic fencing and surface improvements. The affected territory is presently used by a lessee as a short-term parking lot for commercial trucks associated with the Otay Mesa Port of Entry. The County of San Diego Assessor’s Office assigns subject parcels as 648-040-40 and 648-040-42 with a total land value of \$46,835. Additional – and potentially significant – industrial growth as planned in the County General Plan is anticipated in the surrounding area over the next 10 years.

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

The County of San Diego serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, and law enforcement. Other pertinent service providers include County Service Area No. 135 (regional communications), Otay WD (domestic water), and San Diego County Fire Protection District (fire protection and emergency medical). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

Connection to County SD is readily available through an existing wastewater main located within public right-of-way on Camino de la Fuente. The projected average daily wastewater flow for the affected territory at its maximum use under current zoning is 576 gallons. This projected amount can be readily accommodated by County SD and represents 0.082% of its available treatment capacity remaining within its wastewater system. Ultimate buildout would include two additional units and increase the average day wastewater flow to 1,152 gallons per day or 0.165% of the remaining available capacity.

c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

Approving the change of organization and annexation therein to County SD would formalize and strengthen economic and social ties between the District and the affected territory. These ties were initially created in 2011 – at the time of formation – when the Commission included the most of the surrounding region within County SD’s sphere of influence.

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

Approving the proposed change of organization and annexation to County SD would facilitate the planned establishment of public wastewater services to the affected territory and the future construction of onsite public restroom facilities. Approval would be consistent with the Commission’s adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exists under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

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

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

The affected territory does not contain “prime agricultural land”, or “agricultural land” as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and annexation to County SD would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

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

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

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

The proposed change of organization would facilitate the extension of public wastewater service to the affected territory and in doing so accommodate the current uses as a short-term parking lot for commercial trucks via the future construction of restroom facilities. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

The County of San Diego General Plan designates the affected territory within Specific Planning Area Use Regulations (S88). Specific development policies are delegated to the Otay Subregional Community Plan or more specifically to the East Otay Mesa Specific Plan Area. The present zoning within the specific plan designates the affected territory as Mixed Industrial Use (M56) and provides a minimum lot size of 15,000 square-feet or 0.34 acres.

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

See page 5 of the agenda report.

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

Notice of the submitted change of organization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on July 31, 2023.

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

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

- San Diego County SD’s last audit covers 2021-2022 and shows the District finished with ample liquidity levels with an agency-wide current ratio of 93 to 1 (i.e., \$93.7 in current assets for every \$1.00 in current liabilities).
- San Diego County SD finished 2021-2022 with high capital levels and marked by a low debt ratio of 0.30% (i.e., only \$0.30 out of every \$100.00 in net assets are financed.)

- San Diego County SD has experienced a downward trend in each of the last three audited fiscal years with an average total margin of (0.05%). The most recent year – 2021-2022 – the District finished with an overall total margin of 9.9%.

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

The affected territory’s existing light industrial uses are presently within and connected to Otay WD’s retail potable water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

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

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

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

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

o) Any information relating to existing land use designations.

See above analysis for (h).

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

The change of organization is expected to have a positive impact on environmental justice by further promoting the availability of public wastewater service within the affected territory and in doing so provide further protections within the watershed. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California.

- The affected territory’s **composite pollution burden ranking** falls in the 57 percentiles with an internal range between 0 to 99 percentiles Eight pollution burden measurements exceed the 50 percentile and considered relatively high. These eight measurements comprise (a) three indicators involving PM 2.5, toxic releases, and

traffic as well as (b) five environmental effects involving cleanup sites, groundwater threats, hazardous waste, solid waste, and impaired water.

- The affected territory’s **composite susceptible population** ranking falls in the 31 percentiles with an internal range between 14 to 71 percentiles. Two of these at-risk groups exceed the 50 percentile and involves individuals with limited education and linguistic isolation. These two measurements also exceed the 70-percentile and are considered significant in magnitude.

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

APNs 648-040-40 & 648-040-42 Pollution Burdens and Susceptible Population Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Affected Territory + Surrounding Lands
Census Tract No.	6073010015
Estimated Population	3,821
Pollution Burden	Weighted Percentile
... Composite Score	92.77
... Percentile	57.27
Indicator Air Quality: Ozone	40.01
Indicator Air Quality: PM 2.5:	92.98
Indicator Air Quality: Diesel PM:	38.73
Indicator Pesticides:	0.00
Indicator Toxic Releases:	91.50
Indicator Traffic:	99.74
Indicator Drinking Water Contaminants:	24.47
Indicator Lead in Housing:	24.70
Effects Cleanup Sites:	61.38
Effects Groundwater Threats:	72.49
Effects Hazardous Waste:	89.11
Effects Impaired Water:	98.43
Effects Solid Waste:	86.51
Sensitive Population	Weighted Percentile
... Percentile	31.19
Population Asthma:	37.76
Population Low Birth Weight:	14.38
Population Cardiovascular Disease:	27.33
Population Education:	70.22
Population Linguistic Isolation:	70.52
Population Poverty:	38.33
Population Unemployment:	36.44
Population Housing Burden:	26.67

- q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone

or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.

The County of San Diego General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies within a wildfire hazard area as well as a moderate earthquake hazard area.

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

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

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“CAMINO DE LA FUENTE- WICK CHANGE OF ORGANIZATION”
ANNEXATION TO THE SAN DIEGO COUNTY SANITATION DISTRICT AND
CONFORMING SPHERE OF INFLUENCE ACTION (CO22-20)
LAFCO FILE NO. CO22-20**

WHEREAS, on November 7, 2022, an interested landowner – D &D Landholdings and Alta Parcels L.P. (David Wick) – filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to annex approximately 35.3 acres of unincorporated territory within the East Otay Mesa community to the San Diego County Sanitation District; and

WHEREAS, the affected territory as proposed is currently undeveloped and identified by the County of San Diego Assessor’s Office as 648-040-42 and 648-040-40; and

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

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

WHEREAS, the proposed change of organization necessitates the Commission consider a conforming sphere of influence amendment to accommodate the jurisdictional change; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal and confirming sphere of influence amendment have been presented to the Commission in the manner provided by law; and

WHEREAS, staff published a notice of public hearing regarding this proposal in the San Diego Union Tribune on June 19, 2023;

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on August 7, 2023; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56425 and 56668 as well as adopted local policies and procedures.

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

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer's report.
3. The Commission serves as responsible agency for environmental review of the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the County SD's sphere to include the affected territory – is a project under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
 - b) San Diego LAFCO also serves as lead agency under CEQA for the change of organization itself given it has been initiated by landowner petition. Staff believes it would be appropriate for the Commission to find this action – and specifically the annexation of the affected territory to the County SD – as a project under CEQA but exempt from further review under State CEQA Guidelines Section 15319(a) and its cross-reference to Section 15303 (d). This exemption appropriately applies given the proposed change of organization involves the extension of public wastewater service to accommodate the construction of small structures involving restroom facilities.
4. The Commission APPROVES the change of organization without modification as described below and subject to conditions as provided. Approval involves all of the following:
 - a) Annexation of the affected territory to the San Diego County Sanitation District as shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by August 7, 2024 unless an extension is requested in writing and approved by the Executive Officer:

- a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$100.00 to reimburse for filing two CEQA Notices of Exemption consistent with the findings in this resolution.
 - A check made payable to LAFCO in the amount of \$1,327.04 to reimburse for the public hearing notice publication.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
 - d) Submittal to the Commission of the development approval by the County of San Diego for the future construction of the onsite public restroom facilities.
6. The Commission assigns the proposal the following short-term designation:
“Camino de la Fuente-Wick Change of Organization”
 7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
 8. The Commission waives conducting authority proceedings under Government Code Section 56662.
 9. The San Diego County Sanitation District is a registered-voter districts.
 10. The San Diego County District utilizes the County of San Diego assessment roll.
 11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the San Diego County Sanitation District as provided under Government Section 57328.
 12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.

13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. All general terms governing annexations authorized under Government Code Section 57300-57354 apply to this reorganization.
16. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on August 7, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

Blank for Photocopying

RECEIVED

NOV 07 2022

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

SAN DIEGO LAFCO

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

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or
(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
 - (a) **INITIAL STUDY:** Submit completed form (available from LAFCO) if no environmental review has been conducted;
 - (b) **CATEGORICAL EXEMPTION:** Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
 - (c) **NEGATIVE DECLARATION (ND):** Submit document with certifying resolution and Initial Study*;
 - (d) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from *each* subject agency.
- 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

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

RECEIVED

NOV 07 2022

RECEIVED

SAN DIEGO LAFCO CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

Table with 2 columns: SUBJECT AGENCY(IES) (City or Special District) and PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.). Row 1: San Diego County Sanitation District, Annexation.

As part of this application, the City of _____ or the San Diego County Sanitation District, D&D Landholdings and Alta Parcels, L.P. (the applicant), and/or the _____ (real party in interest): subject landowner and/or registered voter agrees to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul San Diego LAFCO's review, approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application.

I acknowledge that annexation to the city of _____ or the San Diego County Sanitation _____ district may result in the imposition of taxes, fees and assessments existing within the (city or district) on the effective date of annexation. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those existing taxes, fees and assessments.

Agreed: Signature: [Handwritten Signature] Date: 7/24/22

Print/Type Name: David Wick, Secretary of General Partner

Address: 5440 Morehouse Drive, Suite 4000 San Diego, CA 9212 Telephone: (858) 623-9000

Property Address: 637 Camino de la Fuente, San Diego, CA 92154 - 0 access rd, San Diego, CA 92154

Cross Street(s): Paseo De La Fuente & Camino De La Fuente

Assessor Parcel Number(s): 648-040-42-00; portion of 648-040-40-00 Acres: 35.32

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

Name: _____

Address: _____

Telephone: () _____

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary *at this time* (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). _____

Annexation to the San Diego County Sanitation District: East Otay Mesa Service Area for Assessors Parcels 648-040-42-00 and 648-040-40-00 (portion) to receive Waste Discharge permits from the County of San Diego. Annexation will extend service to the end of Access Road (Camino De La Fuente).

2. Describe the use of *developed* property within the proposal territory, including details about existing structures. Describe anticipated development of *vacant* property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. _____

Graded land for future industrial, outdoor storage uses.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. _____

Graded industrial land located at the eastern end of Access Road (Camino De La Fuente).

The property is within the East Otay Mesa Specific Plan area east of Paseo De La Fuente.

4. How many residents live within the proposal territory? 0

5. How many of these residents are registered voters? 0

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

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

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

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

1. COUNTY:

(a) The territory is within the East Otay Mesa Specific Plan community plan.

(b) The County General Plan or community plan designation and allowed density: _____
County General Plan zoning S88.

(c) Current County zoning and allowed density: EOMSP Mixed Industrial Zoning. Floor Area Ratio 0.5.

2. CITY:

(a) The territory is within the general plan area for the City of N/A

(b) The City General Plan land use designation and allowed density: N/A

(c) Current City zoning and allowed density: N/A

(d) Current City rezoning and allowed density: N/A

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

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			<input type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map			<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit			<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment			<input type="checkbox"/> YES <input type="checkbox"/> NO
City Rezoning			<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone			<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)	DPW2020-WWSWCP-00054	09/25/2020	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

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

North: Industrial East: Industrial
 South: Industrial West: Industrial

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

- Agricultural land uses Agricultural Preserve
- Open Space Easement Slopes greater than 25%
- Sewer moratorium area Coastal Permit Zone
- Unusual features such as: _____

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

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? YES NO
(b) *If yes*, which agency? San Diego County Sanitation District
2. (a) Is a developed parcel in need of annexation due to failed septic system? YES NO
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.
(c) *If no*, is annexation for sewer service part of this application? YES NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? San Diego County Sanitation District
4. (a) Has the agency that will be providing service issued a letter of sewer availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation? YES NO
(b) *If no*, please explain: _____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? YES NO
(b) *If yes*, which agency? Olay Water District
2. Is a well or other on-site water system currently used on the property? YES NO
3. Is an on-site system proposed to be used when the property is developed? YES NO
4. (a) Is annexation for water service part of this application? YES NO
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? _____
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation? YES NO
5. (a) Has the agency that will be providing service issued a letter of water availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

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

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

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

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

priority _____ minutes; non-priority _____ minutes

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

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

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

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

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

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

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

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

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

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

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

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

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

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

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

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

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

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____

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

1. N/A _____

2. _____

(c) Date and amount of contribution:

Date _____ Amount \$ _____

Date _____ Amount \$ _____

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

1. _____

2. _____

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

Printed Name _____

Signature David Wick

Date 7/26/22 Phone (858) (622) -9000

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

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

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

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

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

¹ Territory included within a proposed boundary change that includes less-than 1/2 registered voters is considered *uninhabited* (Government Code 56045).

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

(Please list all proposed actions)

Annexation to: 1. San Diego County Sanitation District: East Otay Mesa Sewer Service Area
 2. _____
 3. _____

Detachment from: 1. _____
 2. _____
 3. _____

	<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1.	7/26/2022		648-040-42-00
2.	7/26/2022		648-040-40-00
3.			
4.			
5.			

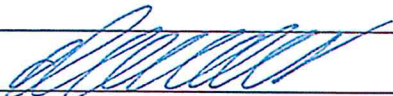
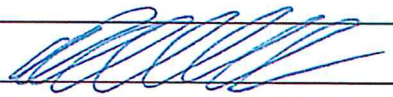
Attach additional sheets if necessary

Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

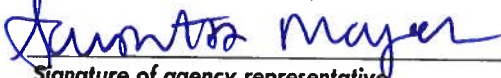
Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign  Print <u>David Wick, Secretary of General Partner</u>	648-040-40-00	1/9/2023	
Sign  Print <u>David Wick, President of General Partner</u>	648-040-42-00	1/9/2023	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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



Samantha Mayer

Signature of agency representative

Print name

Engineering Tech

Title

10/19/2022

Telephone

Date

A. JURISDICTIONAL INFORMATION:

Name of agency:

San Diego County Sanitation District

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
If yes, please provide details of all costs: Annexation Fees, Sewer Capacity fees, and Annual Sewer Service Charges
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

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

C. WATER SERVICE:

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

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

Properties are already part of the Otay Water District Service Area.

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

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): N/A. Properties are already part of the Otay Water District Service Area. YES NO

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

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

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

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

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

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

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

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

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

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

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

(f) What restrictions prevent use of reclaimed water? Otay Water District does not have any
reclaimed water infrastructure.

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

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

Part I: NOTICE OF INTENT TO CIRCULATE PETITION

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

1. Notice is hereby given to circulate a petition proposing to: annex 648-040-42-00 and 648-040-40-00 into the San Diego County

Sanitation District: East Otay Mesa Service Area.

2. The reason(s) for the proposal are: bring sewer service to the remainder portion of Access Road/Camino De La Fuente

that was initially not included the San Diego County Sanitation District East Otay Mesa Service Area. The properties are already included within

Otay Water District's Service Area.

D&D Landholdings, Limited Partnership

Proponent's Name (print)


Signature of proponent or representative

5440 Morehouse Drive, Suite 4000

Proponent's Address

San Diego, CA 92121

City, State, Zip

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

Date

Executive Officer (Print and Sign)

PART II: DISCLOSURE REQUIREMENTS

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

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

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

Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- (a) The specific change(s) of organization proposed is/are: Annexation to the San Diego County Sanitation District: East Otay Mesa Service Area for Assessors Parcels 648-040-40-00 and 648-040-42-00.
- (b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.
- (c) The proposed action(s) will be subject to the following terms and conditions: _____
- (d) The reason(s) for the proposal is/are: Annexation required for properties to receive Waste Discharge permits from the County of San Diego. Annexation will extend service to the end of Access Road (Camino De La Fuente).
- (e) Signers of this petition have signed as (select one): landowner; registered voter.
- (f) The name(s) and mailing address(s) of the chief petitioner(s) (not to exceed three) is/are:

- | | | |
|----|--|--|
| 1. | <u>D&D Landholdings, Limited Partnership</u> | <u>5440 Morehouse Drive, Suite 4000, San Diego, CA 92121</u> |
| | Name of chief proponent (print) | mailing address |
| 2. | <u>Alta Parcels, L.P.</u> | <u>5440 Morehouse Drive, Suite 4000, San Diego, CA 92121</u> |
| | Name of chief proponent (print) | mailing address |
| 3. | _____ | _____ |
| | Name of chief proponent (print) | mailing address |

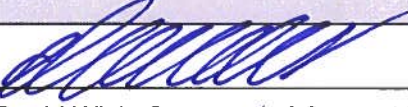
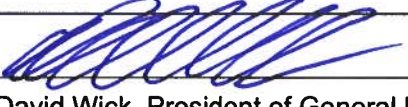
- (g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.
- (h) This proposed change of organization (select one) is is not consistent with the sphere-of-influence of any affected city or district.
- (i) The territory included in the proposal is (select one) inhabited (12 or more registered voters) uninhabited (11 or less registered voters).
- (j) If the formation of a new district(s) is included in the proposal:
1. The principal act under which said district(s) is/are proposed to be formed is/are: _____
 2. The proposed name(s) of the new district(s) is/are: _____
3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.
- (k) If an incorporation is included in the proposal:
1. The name of the proposed city is: _____
 2. Provisions are requested for appointment of: city manager city clerk city treasurer
- (l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is: _____

Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign  Print <u>David Wick, Secretary of General Partner</u>	648-040-40-00		
Sign  Print <u>David Wick, President of General Partner</u>	648-040-42-00		
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

All that portion of the Southwest Quarter of Section 29 Township 18 South Range 1 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof, more particularly described as follows:

Beginning at the Southwest corner of said Section 29; thence (Course 1) North $1^{\circ}35'53''$ East along the West line of said Section 29, a distance of 785.24 feet to the center line of that certain easement for public highway conveyed to the County of San Diego on June 10, 2004 as file/page No. 2004-0544590 Official Records, thence (Course 2) South $89^{\circ}10'03''$ East along said center line 146.67 feet; thence (Course 3) North $1^{\circ}7'23''$ East 569.98 feet to a point on the North line of the South One Half of the Southwest Quarter of said Section 29; thence (Course 4) North $89^{\circ}59'55''$ East along the North line of the South One Half of the Southwest Quarter of said Section 29, 676.74 feet to point on the Easterly boundary of the land described in deed to D & D Landholdings, a California Limited Partnership recorded July 16, 2010 as file/page No. 2010-0356979 Official Records; thence (Course 5) South $25^{\circ}35'42''$ East along the Easterly boundary of the land conveyed to D & D Landholdings 1476.59 feet to a point on south boundary of said Section 29; thence (Course 6) South $89^{\circ}11'42''$ West along the south boundary of said Section 29 1494.51 feet to the TRUE POINT OF BEGINNING.

Containing 33.82 Acres, more or less

Assessor's Parcel No: 648-040-40

All that portion of the Southwest Quarter of Section 29 Township 18 South Range 1 East, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof, more particularly described as follows:

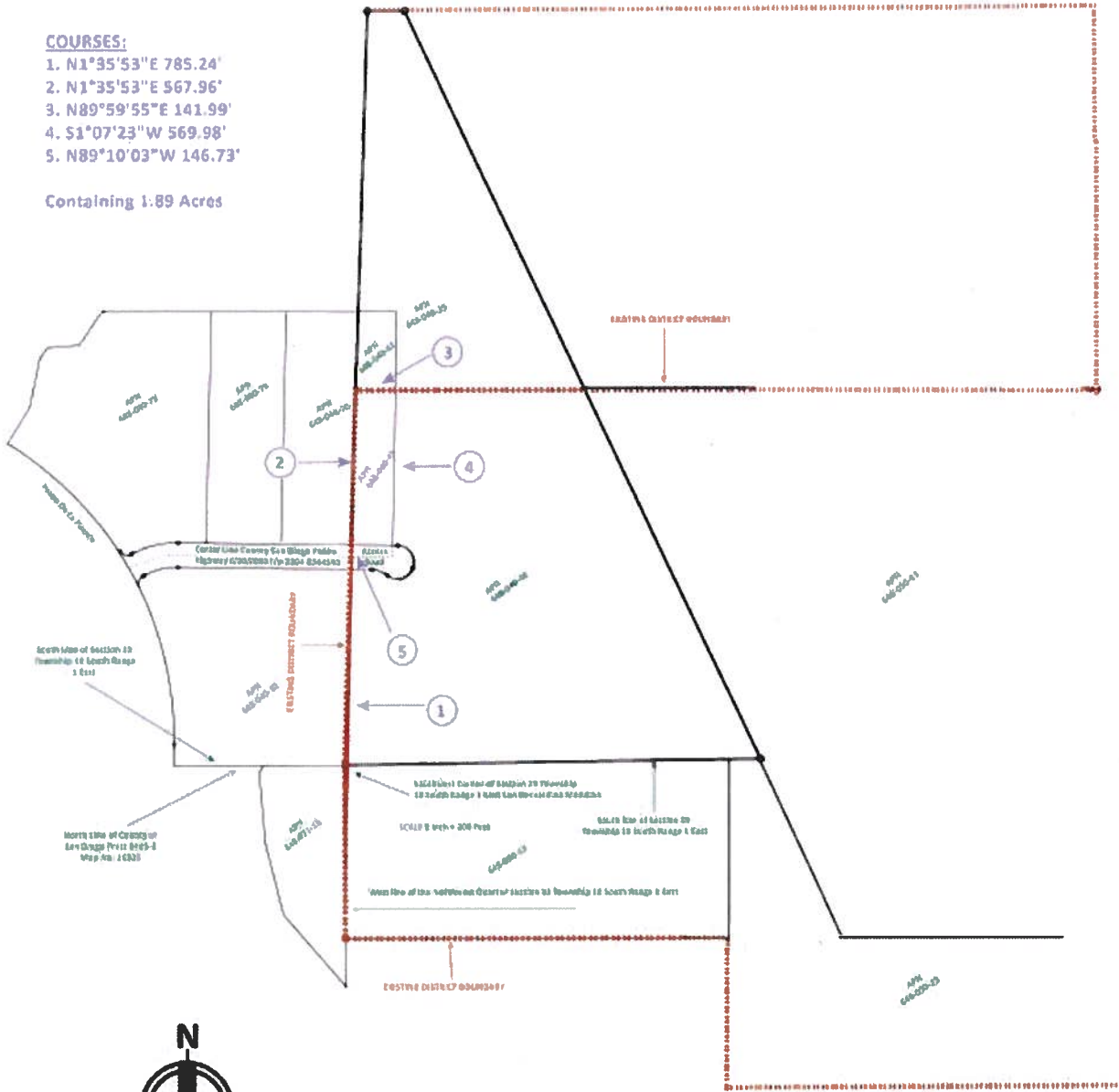
Beginning at the Southwest corner of said Section 29; thence (Course 1) North 1°35'53" East along the West line of said Section 29, a distance of 785.24 feet to the center line of that certain easement for public highway conveyed to the County of San Diego on June 10, 2004 as file/page No. 2004-0544590 Official Records, being the TRUE POINT OF BEGINNING HEREIN; thence continuing along said West line of Section 29, (Course 2) North 1°35'53" East 567.96 feet to the Northwest corner of the South One Half of the Southwest Quarter of said Section 29; thence (Course 3) North 89°59'55" East along the North line of the South One Half of the Southwest Quarter of said Section 29, 141.99 feet; thence (Course 4) South 1°07'23" West 569.98 feet to a point on the center line of that certain public highway described above; thence (Course 5) North 89°10'03" West along the center line of said public highway a distance of 146.73 feet to the TRUE POINT OF BEGINNING.

Containing 1.89 Acres, more or less

COURSES:

1. N1°35'53"E 785.24'
2. N1°35'53"E 567.96'
3. N89°59'55"E 141.99'
4. S1°07'23"W 569.98'
5. N89°10'03"W 146.73'

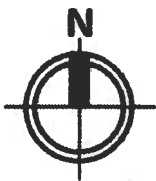
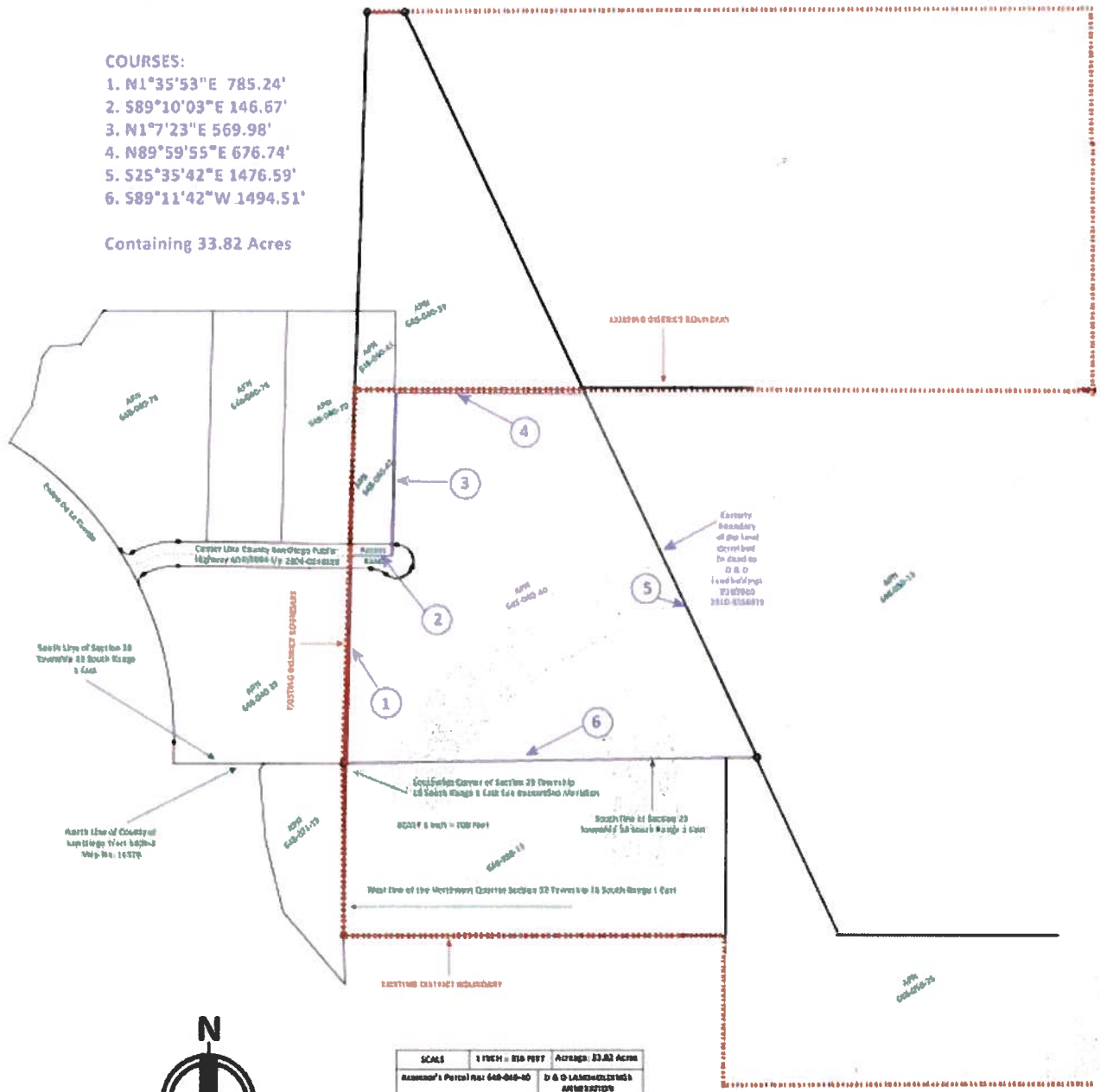
Containing 1.89 Acres



Scale	1" = 200 Feet	Acres 1.89 Acres
Attorney's Name	042-080-42	Alto Property, L.P.

- COURSES:**
1. N1°35'53"E 785.24'
 2. S89°10'03"E 146.67'
 3. N1°7'23"E 569.98'
 4. N89°59'55"E 676.74'
 5. S25°35'42"E 1476.59'
 6. S89°11'42"W 1494.51'

Containing 33.82 Acres



SCALE	1 INCH = 400 FEET	Acreage: 33.82 Acres
Surveyor's Permit No:	666-066-00	D & D LAND SURVEYORS AND ENGINEERS



COUNTY OF SAN DIEGO

DEPARTMENT OF PUBLIC WORKS PRIVATE DEVELOPMENT CONSTRUCTION INSPECTION



5510 OVERLAND SUITE 210
SAN DIEGO, CALIFORNIA 92123-1239
(858) 694-3165 (858) 694-2354

15

SEWER CONSTRUCTION PERMIT

DATE ISSUED: 09/25/2020 PERMIT NO: DPW2020-WWSWCP-00054
EXPIRATION DATE: 9/25/2023 TRUST ACCOUNT NO: 2008613-D-07106

PERMIT OWNER & ADDRESS D&D LANDHOLDINGS 5440 MOREHOUSE DR #4000*SAN DIEGO CA SAN DIEGO, CA 92121 PHONE:	SITE ADDRESS/JOB LOCATION NO ADDRESS , CA
APPLICANT NAME & ADDRESS D&D LANDHOLDINGS 5440 MOREHOUSE DR #4000 SAN DIEGO, CA 92121 PHONE: 858 362-8701	APN: 648-040-40-00 GPS COORD.:
ENGINEER OF WORK & ADDRESS Stevens Cresto Engineering 9665 Chesapeake Drive suite 200 San Diego, CA 92123 PHONE: 858 694-5660	CONTRACTOR & ADDRESS PHONE:

SAN DIEGO COUNTY SANITATION SERVICE AREA: East Otay Mesa

SEWER LENGTH(FEET): 123 NUMBER OF SEGMENTS: 1

DETAILED DESCRIPTION OF PROJECT: Area: East Otay Mesa
Sewer Main Extension and Lateral

THIS PERMIT IS VOID IF CAL/OSHA PERMIT FOR EXCAVATIONS EXCEEDING FIVE (5) FEET IS NOT OBTAINED BEFORE CONSTRUCTION BEGINS.

Before you dig, phone UNDERGROUND SERVICE ALERT at 811. Enter UNDERGROUND SERVICE ALERT Inquiry Identification Number here _____. This permit is not valid until an inquiry number is obtained.

Notify construction inspection at (858) 694-3165, 24 hours in advance of beginning any portion of the work, completion of work, backfill or concrete pour, and otherwise as required by the Director of Public Works.

The permit is granted under provisions of the San Diego County Uniform Sewer Ordinances.
County of San Diego, Director of Public Works By: Bataller, Travis Digitally signed by Bataller, Travis
Date Completed: _____ Inspector: _____ Date: 2020.09.29 15:11:33 -0700

THIS PERMIT MUST BE KEPT ON THE JOB, TO BE SHOWN TO ANY AUTHORIZED AGENT OF THE COUNTY OF SAN DIEGO, PRESENTED UPON REQUEST.

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