



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

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AGENDA REPORT
 Business | Information

February 3, 2025

TO: Commissioners

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

SUBJECT: Notice of Administrative Approval of “Benter - Alto Drive Out-of-Agency Services: Wastewater” | 9365 Alto Drive and City of La Mesa (OAS24-04)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive notice of an administrative approval by the Executive Officer for the City of La Mesa to provide out-of-agency services to the unincorporated property at 9365 Alto Drive. The authorization is limited and specific to providing wastewater service to an existing 1,783 square-foot single-family residence and a planned accessory dwelling unit (ADU) outside the sphere of influence. The approval is premised on abating an impending threat to public health and safety given the existing septic system is nearing the end of its 40-year lifespan, cannot safely support the ADU, and an existing collection system can readily accommodate the connection without new public infrastructure. This notice is being provided for information consistent with adopted policy. It is also marked for discussion to ensure the administrative approval and associated public health and safety determination is appropriate going forward.

BACKGROUND

Overseeing Out-of-Agency Services

Government Code Section 56133 delegates LAFCOs the responsibility to authorize cities and special districts to provide new or extended services beyond their jurisdictional boundaries. The statute specifies cities and special districts must request and receive formal written

Administration: Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcountry.ca.gov www.sdlafco.org	Joel Anderson County of San Diego	Kristi Becker City of Solana Beach	Chair Stephen Whitburn City of San Diego	Vice Chair Barry Willis Alipine Fire Protection	Harry Mathis General Public
	Jim Desmond County of San Diego	Dane White City of Escondido	Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation	Brigitte Browning, Alt. General Public
	Vacant County of San Diego	John McCann, Alt. City of Chula Vista		David A. Drake, Alt. Rincon del Diablo	

approval from LAFCOs to provide “out-of-agency” services by contract or agreement less certain and limited exemptions. The statute further specifies cities and special districts may only be authorized to provide out-of-agency services within their spheres of influence in anticipation of later annexations. If the affected territory lies beyond the subject agencies’ spheres, out-of-agency services may only be authorized in response to documented threats to public health and/or safety as determined by LAFCO.

Delegation to the Executive Officer

San Diego LAFCO’s current policies authorize the Executive Officer to approve outside-of-agency services – involving water and/or wastewater services only – in response to documented health, safety, or welfare impacts. The Executive Officer is required to inform the Commission of all administrative approvals at the next available meeting for information only. Otherwise, all out-of-agency approvals require formal Commission action.¹

Applicant Request and Administrative Approval

San Diego LAFCO received a request from the City of La Mesa on behalf of interested landowners (Jeffery & Margarita Benter) in February 2024 to receive approval to provide new out-of-agency wastewater service to an approximate 0.6-acre unincorporated parcel. The subject parcel is presently developed with an approximate 1,800 square-foot single-family residence, built in 1986, and with a situs of 9365 Alto Drive (495-100-80). The subject parcel lies outside of the City’s sphere of influence but within its established out-of-area wastewater service area. The request ties to the residence’s existing septic system – which is approaching 40 years of service – and produces an impending health and safety threat given the planned addition of an ADU.

Upon receipt of the request and related application materials, LAFCO staff coordinated with La Mesa to assess the need and availability of public wastewater service for the affected territory. The Executive Officer proceeded to issue an administrative approval on December 10, 2024 – specific to the main residence and planned second unit – and is attached for Commission review. A condition to require a future annexation filing consistent with Commission policy and practice was not applied as detailed in the proceeding section.

DISCUSSION

This item is for San Diego LAFCO to receive notice of the Executive Officer’s administrative approval authorizing the City of La Mesa to provide wastewater service outside its jurisdictional boundary as described above. The Executive Officer’s approval is final under policy, but the Commission is encouraged to discuss the item and specifically whether staff’s application of a public health and safety determination on a proactive basis given the age of the septic system and planned ADU is appropriate going forward.

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. Reference to Policy L-113.

ANALYSIS

San Diego LAFCO’s administrative approval authorizing the City of La Mesa to provide out-of-agency wastewater service to the subject parcel at 9365 Alto Drive conforms to statute and Commission policies with the latter specific to proactively addressing an otherwise reasonable determination of an impending threat to public health and safety. The administrative approval has been conditioned on limiting wastewater service to only the existing main residence and the planned ADU.

With respect to other Commission policies and practices, Consideration has also been given to require the landowner to file an annexation proposal with LAFCO for future processing in conjunction with expediting the anticipated annexation under statute. Annexations are the preferred method under LAFCO law to formalize the relationship between land and service providers unless local conditions suggest otherwise. In this case, local conditions sufficiently justify an out-of-agency service extension as the most effective and responsive means to provide wastewater services to the affected territory and given annexation would not be orderly or efficient at this time. Most notably, access to the affected territory from La Mesa does not currently exist and access is limited to traveling through the unincorporated area via two County roadways – Mesa Vista Avenue and Alto Drive. Given “cherry-stem annexations” are no longer permissible, annexation of the affected territory without including other neighboring parcels does not appear practical without causing a boundary disconnect, with respect to accessibility.

RECOMMENDATION

This item is presented to San Diego LAFCO for information only.

ALTERNATIVES FOR ACTION

None.

PROCEDURES

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

On behalf of the Executive Officer,

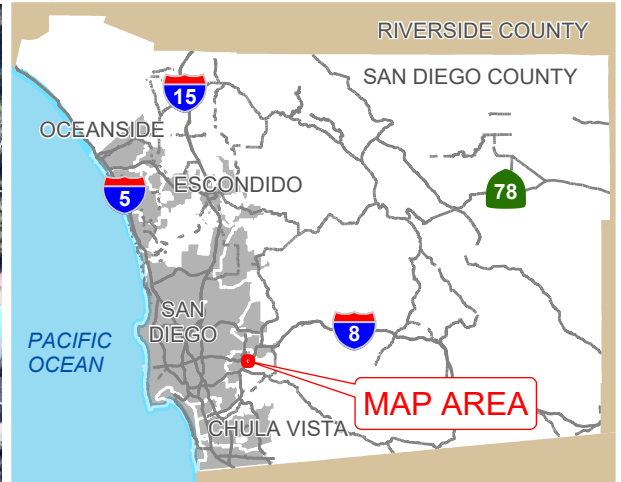
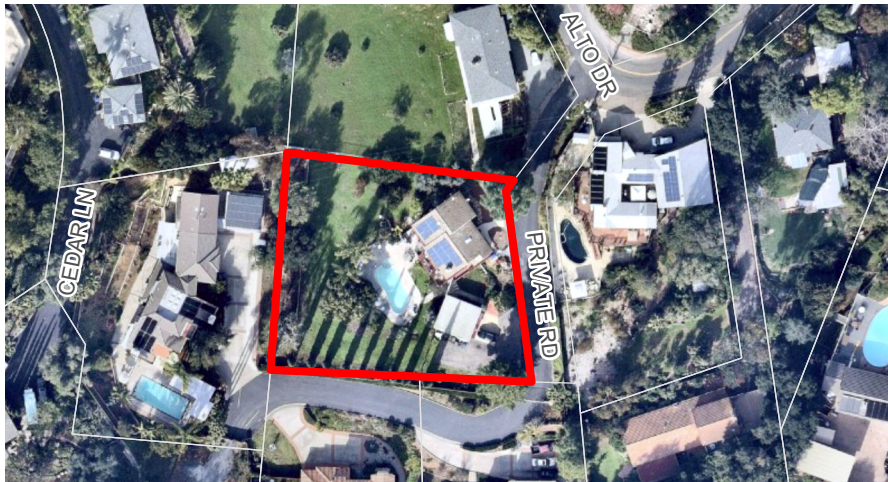
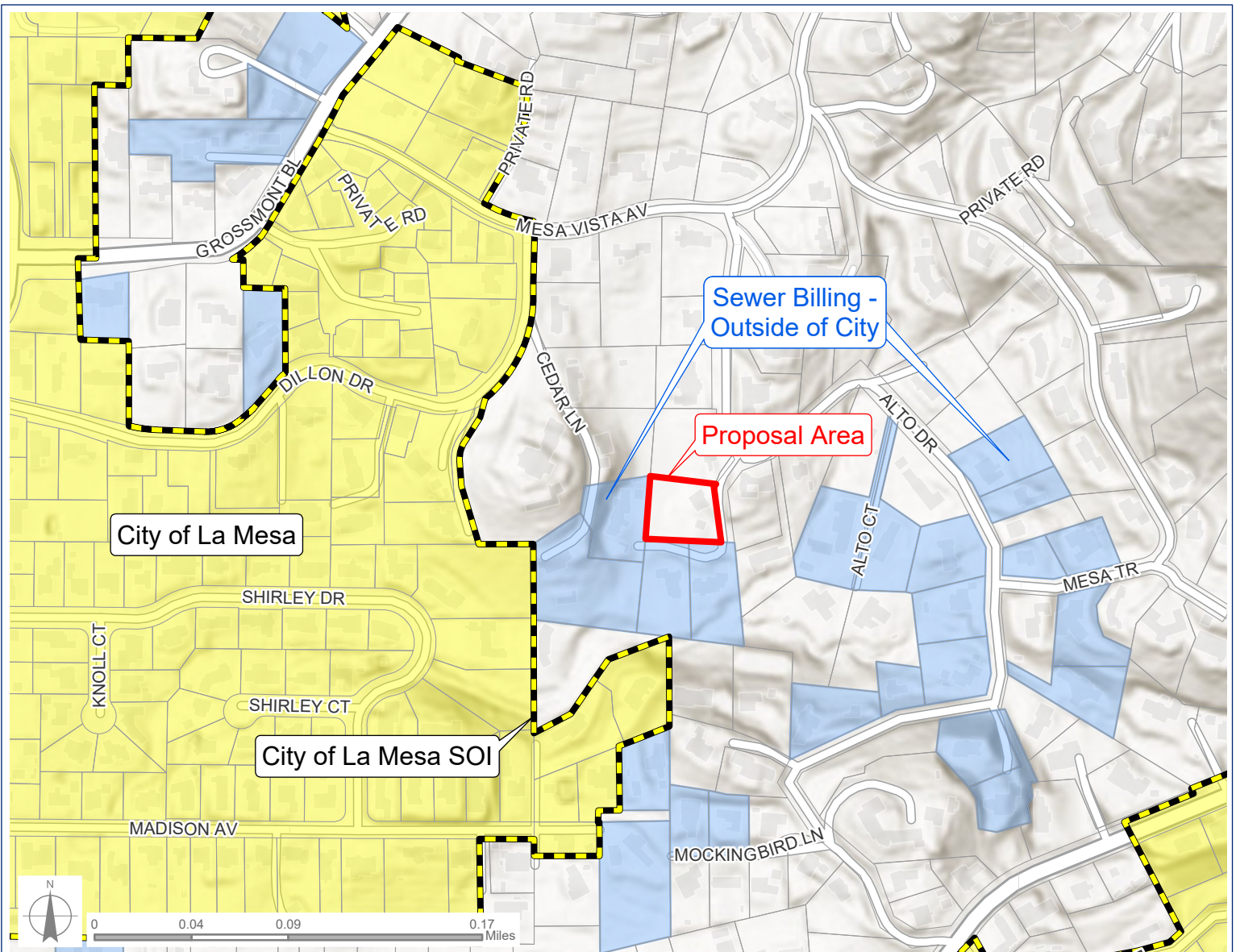


Michaela Peters
Analyst II

Attachments:





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

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OAS24-04 "BENTER - ALTO DRIVE OUT-OF-AGENCY WASTEWATER SERVICES" | CITY OF LA MESA

SOI = Sphere of Influence

-  Proposal Area
-  City of La Mesa SOI
-  City of La Mesa
-  Sewer Billing - Outside of City



San Diego County
Local Agency Formation Commission
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Created by Dieu Ngu -- 1/10/2025

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San Diego County
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CERTIFICATE OF ADMINISTRATIVE APPROVAL

OUT-OF-AGENCY SERVICE BY AGREEMENT

City of La Mesa and 9365 Alto Drive (495-100-80-00)
 LAFCO File No. OAS24-04

This Certificate of Administrative Approval confirms as of the date below the San Diego County Local Agency Formation Commission (LAFCO) authorizes the City of La Mesa to provide new wastewater services by agreement outside its jurisdictional boundary to 9365 Alto Drive (495-100-80-00). This authorization is made pursuant to California Government Code Section 56133 and the powers delegated to the Executive Officer under LAFCO Policy L-113. The authorization allows La Mesa to establish wastewater services (collection, treatment, and disposal) specific to supporting the approximate 1,800 square-foot single-family residence currently developed on the subject parcel and the planned construction of an accessory dwelling unit (ADU) as allowed under County zoning; no other development – including any future lot split and establishment therein of additional dwellings – is covered. Authorization is made by the Executive Officer and done so to abate an impending threat to public health and safety given the following evidence: the septic system serving the current residence is approaching 40 years of service and at the end of its useful life; the septic system cannot safely support an ADU; and an existing collection system can readily accommodate connection without any new public infrastructure.

Attest,

Keene Simonds
 EXECUTIVE OFFICER

DATE: December 10, 2024

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 E lafco@sdcountry.ca.gov www.sdlafco.org</p>	<p>Joel Anderson County of San Diego</p> <p>Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p>	<p>Chair Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Vice Chair Barry Willis Alpine Fire Protection</p> <p>Jo MacKenzie Vista Irrigation</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Harry Mathis General Public</p> <p>Brigette Browning, Alt. General Public</p>
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CONTRACTUAL SERVICE AGREEMENT APPLICATION FOR M

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 . ~~JOE~~ AX BENTER

Property Address: 936 3170 RD SD CA.

Phone #: (961) 8914 41 Date: 1/19/24

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? SEWER

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) SYSTEM WILL NOT HANDLE NEW CHARGE TO BE ADDED

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.

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
2550 Fifth Ave., Suite 725
San Diego, CA 92103
(619) 321-3380

Revised November 2022

RECEIVED
FEB 08 2024
SAN DIEGO LAFCO



November 6, 2024

San Diego County LAFCO
Attn: Keene Simonds
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Re: Out of Area Service Agreement Request - 9365 Alto Drive

Dear Mr. Simonds:

The City of La Mesa, at the behest of property owners Jeffrey and Margarita Benter, is requesting approval from San Diego LAFCO to provide wastewater services to 9365 Alto Drive (APN 495-100-80-00), which is outside of the City of La Mesa municipal boundary. The property is not located within the City's Sphere of Influence, is not adjacent or contiguous to the City boundary, and is not accessed from a City-owned and maintained street. Therefore, annexation into the City of La Mesa is not supported at this time.

City of La Mesa public sewer infrastructure is available and has adequate capacity to provide service to the property. Extension of sanitary sewer service outside of the City limits to allow for the construction of an accessory dwelling unit (ADU) is consistent with City policy. An Out-of-Area Agreement for Sanitary Sewer Service will be recorded in the Office of the County Recorder.

I appreciate your consideration in this manner. Please reach out to the Director of Community Development, Lynnette Santos, at 619-667-1187 or lsantos@cityoflamesa.us with any questions.

Sincerely,

Greg Humora
City Manager

cc: File

RECORDING REQUESTED BY:
La Mesa City Clerk
FEE EXEMPT PER
GOVERNMENT CODE SECTION 27383

WHEN RECORDED, RETURN TO:

Megan Wiegelman, City Clerk
City of La Mesa
P. O. Box 937
La Mesa, CA 91944-0937

(Space Above for Recorder's Use Only)

AGREEMENT FOR SANITARY SEWER SERVICE

(9365 Alto Drive, APN: 495-100-80-00)

THIS AGREEMENT, made and entered into this _____ day of _____, 2024 by and between the **City of La Mesa, a Municipal Corporation**, hereinafter referred to as the "City", and **Jeff Benter and Margarita Benter** hereinafter referred to as the "Owners",

WITNESSETH:

WHEREAS, the City Council adopted Resolution No. 15521 on June 23, 1987, adopting a policy for extension of sanitary sewer to serve residents outside the City limits;

WHEREAS, the 2012 General Plan Policy LU-7.1.3 is to work with the Local Agency Formation Commission (LAFCO) when residents outside the City request annexation or connection to City sanitary facilities;

WHEREAS, the owners desires to utilize the wastewater transportation and treatment facilities of the City for property located outside the City limits;

WHEREAS, the City Engineer has determined that sanitary sewer service for the subject property is necessary to protect the health and safety of the areas residents; and

WHEREAS, the City has and is operating a sanitary sewer system so situated and of sufficient capacity to transport and treat the wastewater from the owner's property.

NOW, THEREFORE, for and in consideration of the promises herein and for further good and valuable consideration hereinafter set forth, IT IS MUTUALLY AGREED BETWEEN THE PARTIES AS FOLLOWS:

SECTION 1. The property of the owners proposed to be connected to the City's sanitary sewer system, at a point approved by the City Engineer, shall be that area in a territory located outside the City and described in **EXHIBIT A** attached hereunto.

SECTION 2. The owners may discharge wastewater into the City's sanitary sewer system, from the property described in Section 1 hereof, upon condition, however, that no waste

oil, acid and other matter that may be detrimental to the treatment process employed in the City sanitary sewer system, nor any storm or ground waters, shall be permitted to be discharged into said connecting line, or lines, If any permitted discharge through said sewer system is contrary to limitations provided in this paragraph, the City may make such repair, mitigation or maintenance work at the expense of the owners and the owners agrees to pay the expense of such repair, mitigation or maintenance work. Further, the Owner shall comply with all codes, ordinance or policies relating to sanitary sewer service within the City of La Mesa.

SECTION 3. The owners shall prepare plans and specifications for the development of the lot and/or lots for which the sewer system extension is required. These plans and specifications shall be reviewed and approved by the City Engineer prior to the review of plans and specifications for the extension of the sewer. Plan review by the City Engineer shall be in accordance with current fee schedules and established procedures.

SECTION 4. If a public sanitary sewer main is required to be installed, then the owners shall prepare plans and specifications for installation of a public sanitary sewer collection system, which shall meet the City's Design Criteria and shall be approved by the City Engineer. The owners shall install public sanitary sewer main lines in the public streets or in an approved easement granted to the City, from the owner's property to the existing public sanitary sewer system. Private sanitary sewer main and/or service laterals when installed shall be by the property owners. The applicant/owners shall be responsible to acquire private sewer easements if required. In addition, charges shall be paid by owner as follows: (***per current fee schedule established by the City Council**).

*A. A review fee payable to City at Planning Department.

*B. A plan check fee based on approved Engineer's estimate for reviewing plans for sanitary sewer collection system.

*C. An inspection fee based on approved Engineer's estimate of construction cost for inspecting construction of the public sanitary sewer collection system.

*D. A lump sum payment to the City, representing a sewer capacity charge to connect the City's existing facilities, and a lump sum payment representing the City's current connection fee based on equivalent dwelling units shall be paid.

*E. A yearly or monthly service charge to reimburse the City for treatment cost and maintenance of the sewer main collector system serving the property. Said service charge shall be as established by ordinance or resolution.

*F. Any sewer connection fees or reimbursement fees established by City to recover the cost of extending the public sanitary sewer system.

EXHIBIT "E"

BENTER PROPERTY

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

PARCEL A:

PARCEL 2 OF PARCEL MAP NO. 3221, ACCORDING TO MAP THEREOF RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1974 AS FILE NO. 74-301796 OF OFFICIAL RECORDS.

PARCEL B:

AN EASEMENT FOR SEWER LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 10.00 FEET IN WIDTH, LYING WITHIN LOT 4 OF MOUNT HELIX SUBDIVISION, ACCORDING TO MAP THEREOF NO. 1516, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 13, 1913, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER COMMON TO LOTS 1 AND 4 OF SAID MOUNT HELIX SUBDIVISION, THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 4 SOUTH 27 DEGREES 38' 00" EAST 116.80 FEET TO AN ANGLE POINT IN THE EASTERLY LINE OF LAND DESCRIBED IN DEED TO EARL L. SEVERIN, ET UX, RECORDED APRIL 20, 1953 AS DOCUMENT NO. 53656 OF OFFICIAL RECORDS, THENCE ALONG SAID EASTERLY LINE AND THE SOUTHWESTERLY PROLONGATION SOUTH 36 DEGREES 47' 00" WEST 51.60 FEET TO AN ANGLE POINT IN LAND DESCRIBED IN DEED TO EARL R. SEVERIN, ET UX, RECORDED IN BOOK 1837, PAGE 134 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE AS FOLLOWS:

SOUTH 06 DEGREES 12' 00" EAST 131.68 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE CONTINUING ALONG SAID EASTERLY LINE OF SEVERINS' LAND ABOVE MENTIONED, SOUTH 06 DEGREES 12' 00" EAST 232.22 FEET (RECORD 225.43 FEET) TO THE SOUTHEAST CORNER OF SAID SEVERINS' LAND.

THE WESTERLY LINE OF SAID 10.00 FOOT STRIP IS TO BE MEASURED PARALLEL TO AND AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID SEVERINS' LAND, SAID STRIP OF LAND IS TO TERMINATE IN THE SOUTH IN THE SOUTHERLY LINE OF SEVERINS' LAND AND IN THE NORTH IN A LINE WHICH BEARS NORTH 86 DEGREES 06' 00" WEST FROM THE TRUE POINT OF BEGINNING.

PARCEL C:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITIES OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 3221, SHOWN AND DELINEATED ON SAID PARCEL MAP AS "EXISTING PRIVATE EASEMENT".

APN: 495-100-80-00

Exhibit "A"– Easement Description

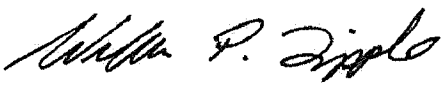
A Portion of Parcel 3 of Parcel Map Number 14721, in the City of La Mesa, County of San Diego, State of California, filed in the Office of the County of San Diego County, March 06, 1987, being a strip of land 10.00 feet wide and the centerline more particularly described as follows:

BEGINNING at the Point on North Line of said Parcel 3, distant along said line South 85°02'32" East 14.00 feet from the Northwest Corner of said Parcel 3;

Thence South 28°05'49" West 32.29 feet to a point in the Southwest line of that certain Sewer Easement granted to the City of La Mesa, Recorded September 26, 1986 as Instrument No. 86-429207 of official records of San Diego County and the POINT OF TERMINUS.

The sidelines of said strip shall be prolonged or shortened so as to terminate in the North and West Lines of said Parcel 3 and said Southwest Line of said Sewer easement.

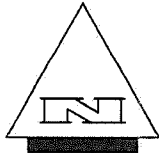
CONTAINING APPROXIMATELY ± 321 Sq. Ft. or 0.007 Acre.



William P. Tipple, PLS 8197
June 21, 2024



EXHIBIT B



SCALE: 1' = 10"

PARCEL 1
PM 14721

PARCEL 2
PM 3221

LEGEND:

PORTION OF EASEMENT
SHOWN THUS:

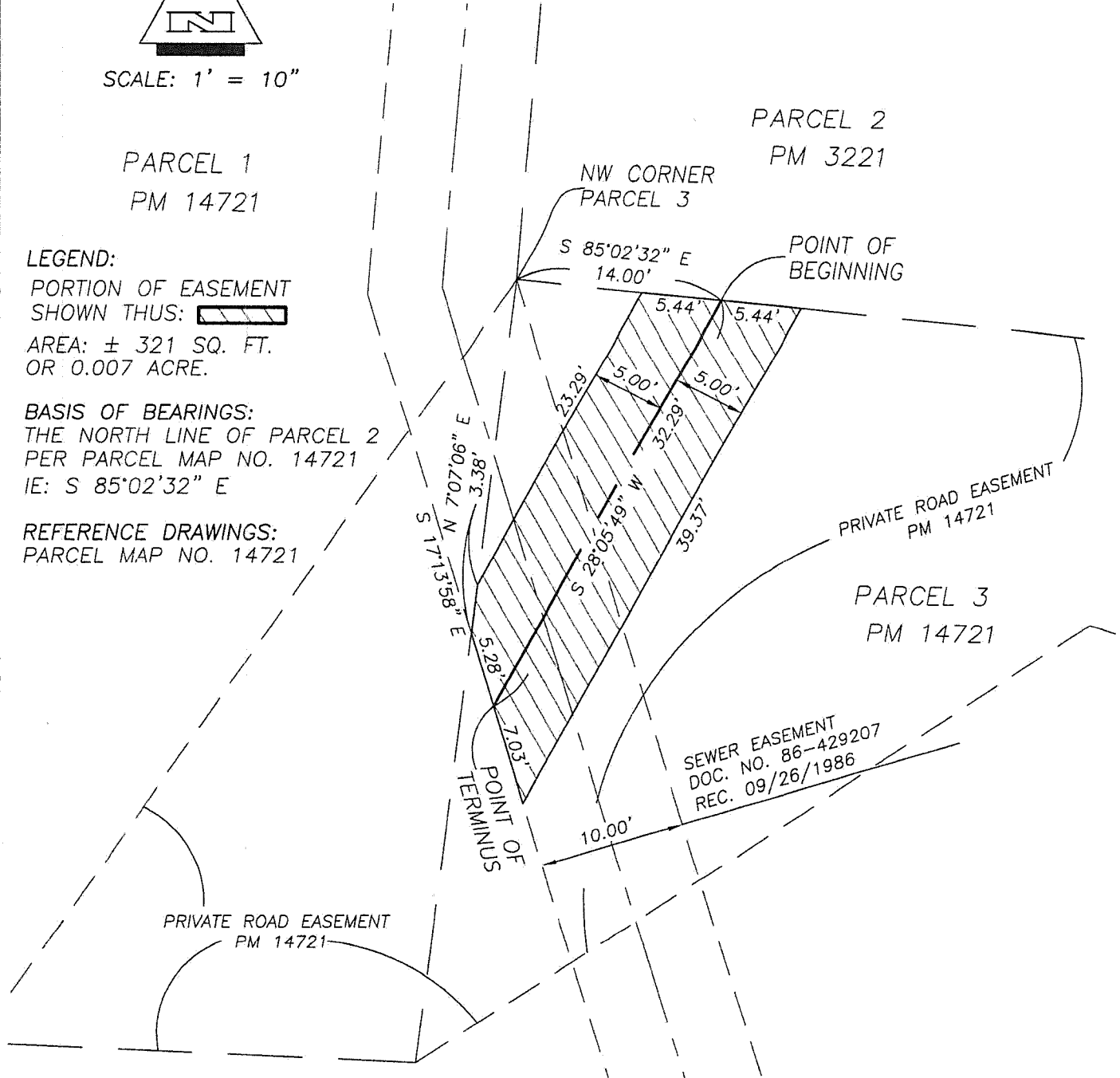
AREA: ± 321 SQ. FT.
OR 0.007 ACRE.

BASIS OF BEARINGS:

THE NORTH LINE OF PARCEL 2
PER PARCEL MAP NO. 14721
IE: S 85°02'32" E

REFERENCE DRAWINGS:

PARCEL MAP NO. 14721



EASEMENT



1450 FRAZEE ROAD - SUITE 250 | SAN DIEGO, CA 92108
PHONE: 800.277.6623 | unicoengineering.com

William P. Tipple

Scale: 1" = 10'	Date: 06/21/2024	Drawn by: WPT
Drawing:	A.P.N.: 495-100-85	Sheet 1 of 1 Sheets

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