

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 4

Date: January 27, 2010

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan Brindle, Director of Community Development

SUBJECT: Resolution to document initiation of an Out-of-Agency Sewer Service Agreement, Case number PHG09-0021.

RECOMMENDATION:

Adopt Resolution R2010-08 making application to LAFCO for an Out-of-Agency Sewer Service Agreement for connection to the City's sewer, and authorizing staff to process an Irrevocable Offer of Annexation.

PROJECT DESCRIPTION:

A request for an Out-of-Agency Service Agreement, including an Irrevocable Offer of Annexation, for the provision of sewer service for one single family residence on a 1.28 acre lot experiencing septic failure at 1029 Vereda Callada (APN 238-400-1100). The project was previously initiated for simple Annexation/Prezoning together with two other lots on September 23, 2009.

FISCAL ANALYSIS:

The property owner will be required to pay fees to cover all administrative costs and staff time for processing the extension of sewer service. The applicant would pay a fair share cost of future annexation. A bond would not presently be requested.

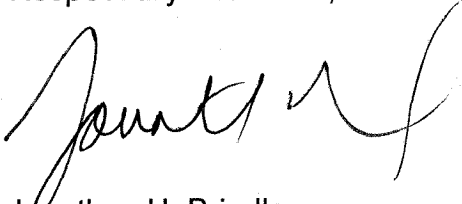
BACKGROUND:

On September 23, 2009, the City Council approved the initiation of an Annexation/Prezoning of an existing residence together with two adjacent unimproved residential lots also owned by the applicant. This decision was based on information provided in the previous staff report, which is attached. After further study, staff found the two vacant properties fronting Bernardo would be problematic to bring into the City and develop at this time due to a number of issues raised by Engineering, Planning and Utilities. The applicant has now received a letter from the County's Department of Environmental Health, documenting eminent failure of the existing residence's septic system on Vereda Callada and suggesting connection to public sewer, which is available in Bernardo Avenue.

The connection will cross the adjacent corner parcel (owned by the applicant) which will require a deed restriction or other mechanism to insure long term maintenance across the adjacent parcel. Because LAFCO now requires a resolution of action, staff is requesting that the Council adopt Resolution No. R2010-08 authorizing staff to make application to LAFCO for

an Out-of-Agency Service Agreement and to process an Irrevocable Offer of Annexation. This will solve the immediate problem with the failing septic system while allowing staff to continue working with the applicant to resolve the annexation issues associated with the two undeveloped lots.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan H. Brindle". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jonathan H. Brindle
Director of Community Development

A handwritten signature in black ink, appearing to read "Paul K. Bingham". The signature is cursive, with a large initial "P" and a long, sweeping underline.

Paul K. Bingham
Assistant Planner II



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION

JACK MILLER
ASSISTANT DIRECTOR

151 E. Carmel Street
San Marcos, CA 92078
760-471-0730/FAX 760-940-2925/1-800-253-9933
www.sdcounty.ca.gov/deh/lwq

November 18, 2009

Leroy Young
P. O. Box 84450
San Diego, CA 92138

Dear Mr. Young:

**RE: Annexation and Sewer Connection for 1029 Vereda Callada, Escondido,
APN 238-400-11, Young Family Trust**

This letter is written in response to your request for the County of San Diego Department of Environmental Health (DEH) to provide affirmation that area high groundwater conditions exist under the above listed property which may cause the existing septic system to cease functioning because of intrusion of groundwater into the leach lines. Due to existing poor groundwater conditions on the property, DEH recommends the property be allowed to annex into the City of Escondido and connect into the public sewer system.

A standard septic system repair will not be approved by DEH due to high groundwater on the property that prohibits the required 5-foot separation from the bottom of the leach line trench to groundwater. A viable septic repair option would require a DEH approved and permitted engineered advanced treatment system which could cost \$50,000 to \$75,000. Although this parcel does not satisfy the requirement of public sewer availability as defined under San Diego County Code Section 68.312, connection to sewer would be the only long-term permanent solution for sewage disposal on the property. Furthermore, this request is to abate a potential public health nuisance from a failing septic system.

San Diego County Code Section 68.312 defines public sewer availability as follows:

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

Currently, your property does not meet any of the above listed conditions of public sewer availability and these conditions shall be satisfied prior to DEH relinquishing the right to authorize an advanced treatment septic repair.

Should you have any questions, please call me at (760) 940-2866.

A handwritten signature in cursive script, reading "Ed Paredes". The signature is written in dark ink and is positioned above the printed name.

Ed Paredes, Environmental Health Specialist II
Land Use Program

Cc: Jorge H. Palacios RCE, 4849 Ronson Court, Suite #105, San Diego, CA 92111

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: _____

Date: September 23, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan H. Brindle, Director of Community Development

SUBJECT: Initiation of annexation and rezoning for properties at the southeast corner of the intersection of Bernardo Avenue and Vereda Callada (Bernardo-Young Annexation) – City File No. PHG 09-0021

RECOMMENDATION:

Initiate the proposed annexation and rezone for the area, authorizing staff to work on the project.

PROJECT DESCRIPTION:

The owner is requesting that the City Council initiate the annexation and rezone of three properties located along the east side of Bernardo Avenue, just south of the intersection of Bernardo Avenue and Vereda Callada, totaling approximately 3.42 acres. The 1.04 acre lot addressed as 2950 Bernardo Avenue (APN 238-400-3200) is vacant. The 1.28 acre lot addressed as 1029 Vereda Callada (APN 238-400-1100) is fully developed with a residence, and the adjacent 1.1 acre lot directly to the west (APN 238-400-1200) is vacant except for two outbuildings. The rezoning designation for this area would be PZ-RE-40 (40,000 SF minimum lot size).

FISCAL ANALYSIS:

Upon City Council initiation of the annexation, the applicant would be required to submit all processing fees associated with the annexation and rezoning request.

BACKGROUND:

The three properties are located in an area with highly varied topography and includes a drainage swale that cuts through a portion of each property. The owner's residence on the developed lot is currently on a septic system. While there is no failure of the system at this time, building additions or future decline of the system may necessitate upgrades which are not feasible given the limitations of the site's topography and physical constraints. The owner desires now to process a rezoning and annexation request with the City. As part of the annexation initiation process, City staff referred the proposal to LAFCO who oversees and grants ultimate approval for annexations. LAFCO has reviewed the proposed boundary and has indicated their initial support for the proposed annexation; therefore, staff feels that support of this proposal is warranted.

ANALYSIS:

Annexation Policy D6.1 (page VII-14) states that the City will not actively seek to annex unincorporated lands, except those owned by the City, and will rely on applications from property owners for proposed annexation to

Proposed Initiation of Annexation and Rezoning for Bernardo Avenue

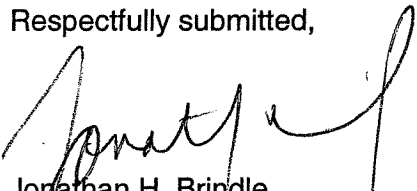
September 23, 2009

Page 2

the City. In order to alleviate potential future septic problems at the residence, and for future development on adjacent lots, sewer connections would be required. These are only available from the City and currently a suitable line exists along Bernardo Avenue. The approximately 3.42 acres proposed for prezone and annexation have a General Plan land-use designation of Estate I, which would allow up to 1 du/ac. The proposed density of 1 du/ac on each of the three 1+ acre lots would be in conformance with the Estate I land-use designation. The proposed annexation would not alter the planned land use in the area and the property owner could make further improvements and/or additions to the existing single-family residence provided they are in compliance with RE-40 zone standards. Surrounding properties within the County also are designated Estate I in the City's General Plan, therefore annexation of adjacent properties in the future would result in consistent zoning and land use designation. Staff feels the proposed boundary for the prezone and annexation is appropriate.

The City currently has no water lines in the area. The three properties are now receiving Rincon Water service and by agreement with the City must continue to be served by Rincon after annexation. Sewer service along with Fire and Police protection would be provided by the City of Escondido after annexation. LAFCO has reviewed the proposed prezone and annexation and concurs that the subject properties are within the Escondido Sphere of Influence and can be adequately supplied services. LAFCO will require that a portion of Bernardo Avenue also come in to the City to achieve contiguity with the City's boundary. That segment would likely be at least 490 feet in length and equal an additional 0.6 acres. LAFCO may determine that a 453-foot segment of Vereda Callada should also be annexed. This could potentially add another .31 acres to the annexation total. If all three lots and both road segments as described are included in the annexation, the total area annexed would be approximately 4.33 acres.

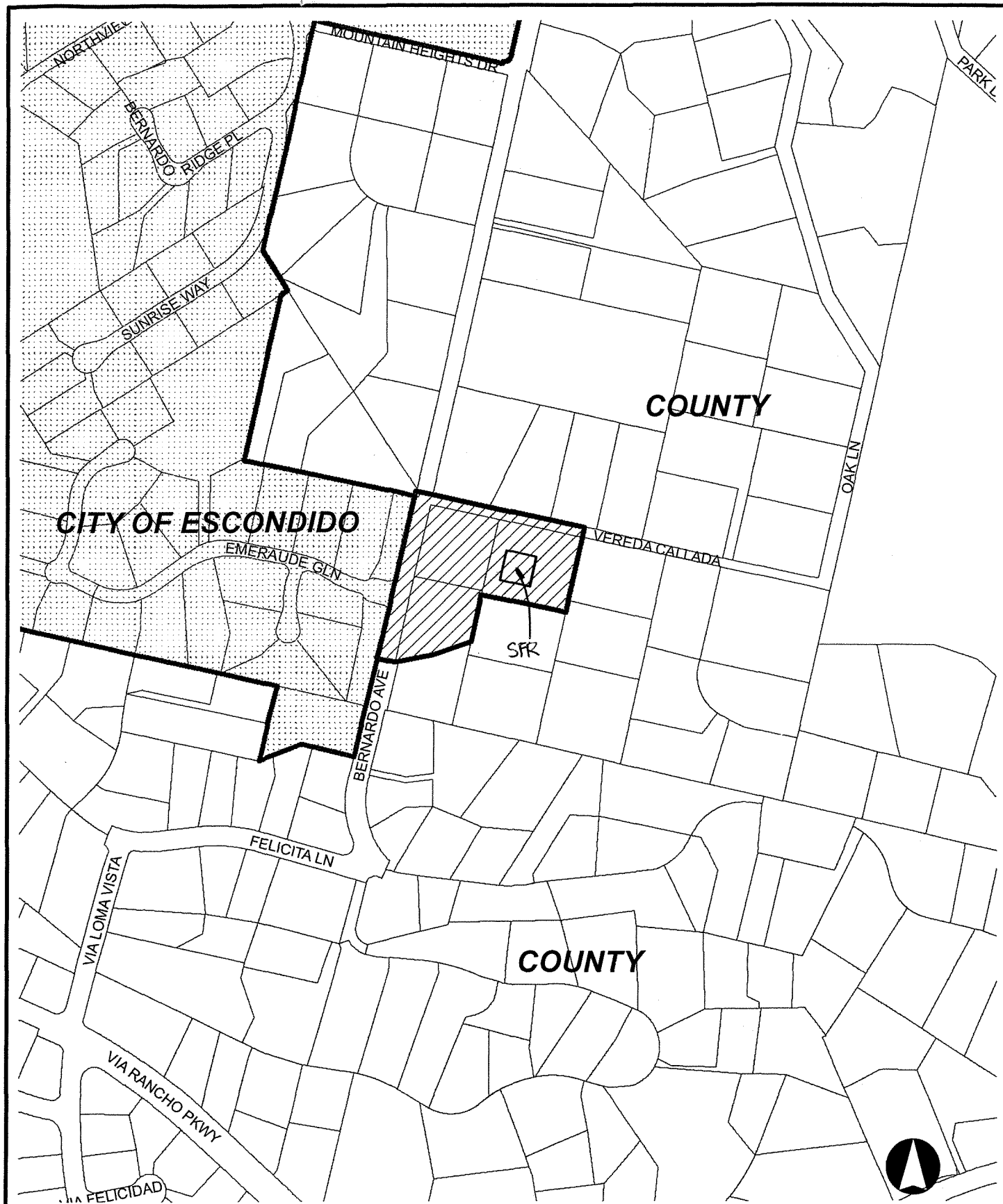
Respectfully submitted,



Jonathan H. Brindle
Director of Community Development

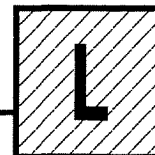


Paul K. Bingham
Assistant Planner II



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

BERNARDO-YOUNG ANNEXATION & PREZONE PHG 09-0021



LOCATION/ZONING

RESOLUTION NO. 2010-08

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ESCONDIDO, CALIFORNIA, MAKING
APPLICATION TO THE LOCAL AGENCY
FORMATION COMMISSION FOR AN OUT-OF-
AGENCY SERVICE AGREEMENT AND
IRREVOCABLE OFFER OF ANNEXATION

Planning Case No. PHG09-0021

WHEREAS, the City Council of the City of Escondido desires to make application for the hereafter described out-of-agency service agreement and irrevocable offer of annexation; and

WHEREAS, Pursuant to CEQA Section 1531(a), "Annexation of Existing Facilities and lots for Exempt Facilities" the project is Categorically Exempt.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, as follows:

1. That the above recitations are true.
2. That application and proposal is hereby made to the Local Agency Formation Commission of the County of San Diego for the following out-of-agency service agreement and irrevocable offer of annexation:
 - A. This proposal is made pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the Government Code of the State of California.
 - B. The following changes of organization are proposed:
 - 1) Out-of-agency service agreement and irrevocable offer of annexation of territory shown in Exhibit "A" and legally described on

Exhibit "B," both attached to this resolution and incorporated by these references and;

C. This out-of-agency service agreement and irrevocable offer of annexation are necessary in order for the area to receive urban services available from the City of Escondido.

D. The Local Agency Formation Commission of the County of San Diego is hereby requested to undertake proceedings for the out-of-agency service agreement and irrevocable offer of annexation proposed herein.

3. That the City Council of the City of Escondido hereby requests the Local Agency Formation Commission of the County of San Diego to designate the City of Escondido as conducting agency, and that the City of Escondido be authorized to order the proposed out-of-agency service agreement and irrevocable offer of annexation.

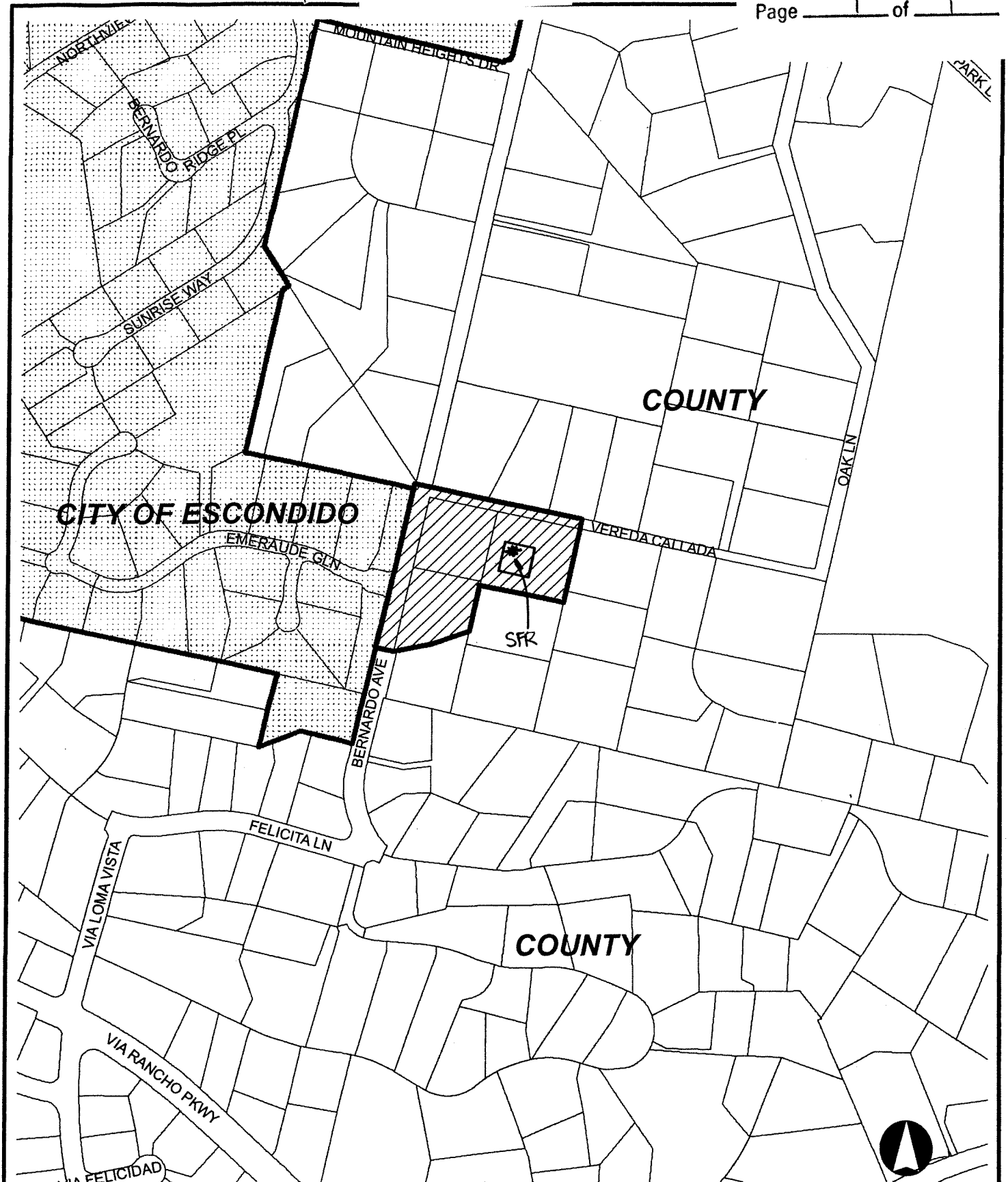
4. That the City Clerk of the City of Escondido is hereby authorized and directed to file a certified copy of this resolution with the applicable fees required by Section 54902.5 of the California Government Code to the executive officer of the Local Agency Formation Commission of the County of San Diego.

EXHIBIT "A"

Resolution No. 2010-08

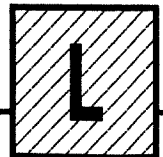
Exhibit A

Page 1 of 1



Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGis. All rights reserved.

BERNARDO-YOUNG ANNEXATION & PREZONE
PHG 09-0021



LOCATION/ZONING

EXHIBIT "B"

LEGAL DESCRIPTION

PARCEL 1: APN 238-400-11

THE WESTERLY 238.42 FEET OF THE FOLLOWING DESCRIBED LAND:

ALL THAT PORTION OF BLOCK 22 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK 22; THENCE NORTH 77°20'30" WEST – RECORD NORTH 77°30'00" WEST – ALONG THE SOUTHERLY BOUNDARY OF SAID HOMELAND ACRES ADDITION, 1013.68 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY, NORTH 12°18'30" EAST A DISTANCE OF 640.22 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY BOUNDARY OF SAID BLOCK 22, DISTANT THEREON NORTH 77°48'00" WEST, 1013.49 FEET FROM THE NORTHEASTERLY CORNER OF SAID BLOCK 22; THENCE SOUTH 77°48'00" EAST ALONG SAID BOUNDARY 1013.49 FEET TO SAID NORTHEASTERLY CORNER; THENCE SOUTH 12°18'30" WEST, ALONG THE EASTERLY BOUNDARY OF SAID BLOCK 22, A DISTANCE OF 648.33 FEET – RECORD 649 FEET TO THE POINT OF BEGINNING.

EXCEPTING THE SOUTHERLY 407 FEET THEREOF.