

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 5

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 PHG09-0019.

RECOMMENDATION:

Adopt Resolution R2010-07 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 0.58 acre lot experiencing septic failure at 964 Gamble Lane (APN 236-334-2800). The project was previously initiated for simple Annexation/Prezoning together with one other lot on August 19, 2009.

FISCAL ANALYSIS:

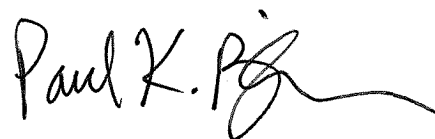
The property owner will be required to pay fees to cover all administrative costs and staff time for processing the extension of sewer service. The applicant would pay a fair share cost of future annexation. A bond would not presently be requested.

BACKGROUND:

On August 19, 2009, the City Council approved the initiation of an Annexation/Prezoning of an existing residence together with an adjacent unimproved residential lot also owned by the applicant. This decision was based on information provided in the previous staff report, which is attached. As was discussed previously, the applicant requested and has now received a letter from the County's Department of Environmental Health, documenting eminent failure of the existing residence's septic system. An existing City sewer line runs to the intersection of Gamble Lane and the I-15 off ramp. Because LAFCO now requires a resolution of action, staff is requesting that the Council adopt Resolution No. R2010-07 authorizing staff to make application to LAFCO for an Out-of-Agency Service Agreement and to process an Irrevocable Offer of Annexation.

Respectfully submitted,


Jonathan H. Brindle
Director of Community Development


Paul K. Bingham
Assistant Planner II



County of San Diego

GARY W. ERBECK
DIRECTOR

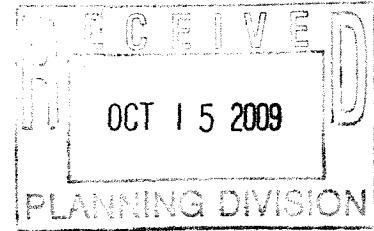
DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION

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

JACK MILLER
ASSISTANT DIRECTOR

October 14, 2009

Paul K. Bingham
Assistant Planner II
City of Escondido Planning Division
201 N. Broadway
Escondido, CA 92025-2798



Dear Mr. Bingham:

**RE: Annexation and Sewer Connection for 964 Gamble Lane, Escondido,
APN# 236-334-28, Bernadette Wisehart**

This letter is written in response to your request for the County of San Diego Department of Environmental Health (DEH) to provide reaffirmation that area high groundwater conditions exist around the above listed property which cause existing septic systems to cease functioning because of intrusion of groundwater into the leach lines. Due to poor groundwater conditions and the failing septic system for 964 Gamble Lane, especially during the rainy season, DEH recommends the dwelling be allowed to annex into the City of Escondido and connect into the public sewer system. Connection to sewer would be the only permanent solution for sewage disposal on the property. This request is to abate a potential public health nuisance from a failing septic system and to facilitate Ms. Wisehart pursuit of an Out-of-Agency Service Agreement with LAFCO which would expedite sewer connection.

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

Ed Paredes, Environmental Health Specialist II
Land Use Program

Cc: Bernadette Wisehart, 964 Gamble Lane, Escondido, CA 92029

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: _____

Date: August 19, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan Brindle, Director of Community Development

SUBJECT: Initiation of annexation and rezoning for properties at the intersection of Gamble Lane and the southbound I-15 off-ramp (Gamble-Wiseshart Annexation).

RECOMMENDATION:

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

PROJECT DESCRIPTION:

The owner is requesting that the City Council initiate annexation and rezoning of two properties located along the north side of Gamble Lane, just west of the southbound I-15 off-ramp, totaling approximately 1.88 acres. One half-acre lot addressed as 964 Gamble Lane (APN 236-334-2800) is fully developed with a residence and the adjacent 1.3 acre lot addressed as 984 Gamble Lane (APN 236-334-3800) serves as horse property and includes a barn and other 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:

Both properties are located in an area with a high water table and historically poor soil percolation. The owner's residence is on a septic system and has repeatedly experienced failure of the system. Last year a valve was installed allowing the owner to shut off the flow back into the residence from the tank when the ground water intrudes into the system. During such periods the owner is forced to bathe, do laundry and conduct other activities at a friend's until the groundwater subsides. In October of 1995 the County's Department of Environmental Health issued a letter to Mike Adams, then the Director of the City of Escondido's Public Works Division, recommending that a dozen properties, including the owner's, be considered for connection to the City's sewer system which exists in Gamble Lane. The owner is now working with the County's Department of Environmental Health to document the conditions on the properties currently and may request an Out of Agency Sewer Agreement to allow connecting to the City's sewer system prior to completion of the rezoning and annexation process with the San Diego Local Agency Formation Commission (LAFCO). Whether or not that effort is successful, the owner desires to continue the processing of this 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 the City. In order to alleviate septic problems at the residence, and for future development of a single family residence on the parcel currently being used as horse property, sewer connections would be required. These are only available from the City and currently exist along Gamble Lane. The approximately 1.88 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 the 1.3 acres horse property would be in conformance with the Estate I land-use designation. The other property is approximately 24,000 SF (0.55 acre) and developed as a single family residence that would be considered legally non-conforming for lot size. Several properties in the area are less than one acre in size and are County zoned RR-1 (1 du/acre) and designated Estate I in the General Plan. The rezoning designation for this request would be RE-40 (Residential Estate, 40,000 SF minimum lot size), which is consistent with the area's General Plan. The proposed project 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. The two properties are currently receive 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, therefore, staff feels the proposed boundary for the prezone and annexation is appropriate.

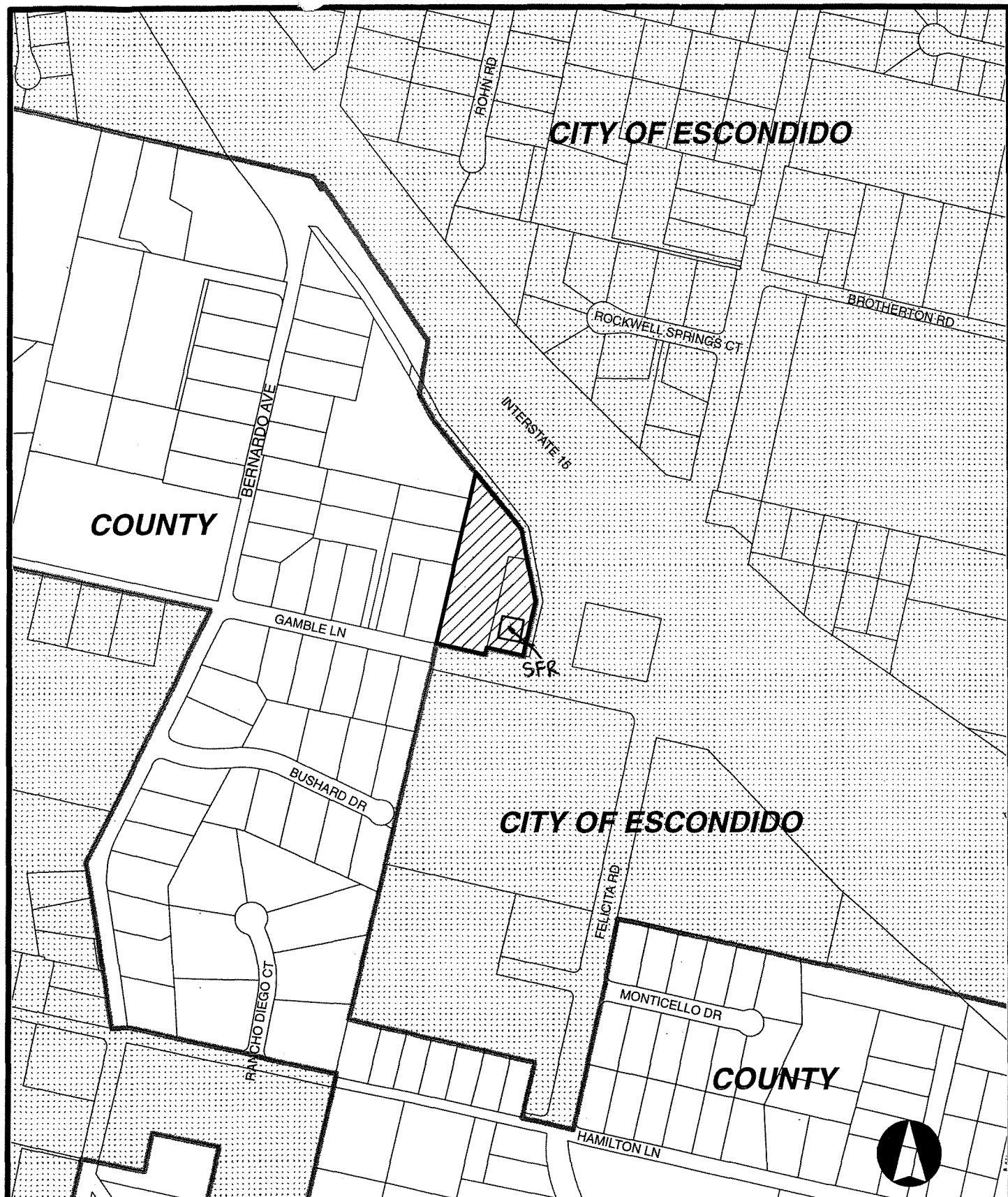
Respectfully submitted,



Jonathan H. Brindle
Director of Community Development

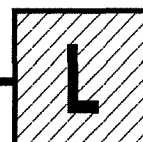


Paul K. Bingham
Assistant Planner II



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GAMBLE-WISEHART ANNEXATION & PREZONE PHG 09-0019



LOCATION/ZONING

RESOLUTION NO. 2010-07

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. PHG09-0019

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"

CITY OF ESCONDIDO

COUNTY

INTERSTATE 15

ROCKWELL SPRINGS CT

BROTHERTON RD

BERNARDO AVE

GAMBLE LN

BUSHARD DR

RANCHO DIEGO CT

CITY OF ESCONDIDO

FELICITA RD

MONTICELLO DR

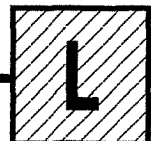
COUNTY

HAMILTON LN

SFR

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**GAMBLE-WISEHART ANNEXATION & PREZONE
PHG 09-0019**



LOCATION/ZONING

EXHIBIT "B"

964 Gamble Lane, Escondido, CA 92029

APN# 236-334-2800