

Resolution No.:
Meeting Date:

A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF SAN DIEGO COUNTY SANITATION DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE PROPOSED TROY CHANGE OF ORGANIZATION

WHEREAS, the County of San Diego ("County") plans to build a new Compassionate Emergency Solutions And Pathways To Housing ("CESPH") project site known as Troy Sleeping Cabins, located on a two-acre portion of property at 2800 Sweetwater Road, Lemon Grove, CA 91945 ("Territory"), which will be approximately 60 sleeping cabins, for use as emergency shelters for people experiencing homelessness (hereinafter, "Project"); and

WHEREAS, the Board of Supervisors for the County on September 11, 2018 (6) and again on September 27, 2022 (21) declared homelessness a public health crisis, and on July 18, 2023 (4), the City of Lemon Grove declared an emergency shelter crisis; and

WHEREAS, there is an immediate public need for the Project evidenced by the 2024 Point-in-Time Count (PITC) of persons experiencing homelessness, which identified 10,605 homeless individuals living in San Diego County, and of this number, 6,110 individuals were reportedly unsheltered; and

WHEREAS, the Territory is an uninhabited portion of property owned by the State of California, Department of Transportation ("Caltrans"), and a description of the external boundary of the Territory is set forth in Exhibit "A" and a map thereof is set forth in Exhibit "B", both attached hereto and by this reference incorporated herein; and

WHEREAS, Caltrans intends to lease the Territory to the County under authority of California Streets and Highways Code section 104.30, which gives Caltrans the authority to lease real property to the County for the purpose of conducting a temporary emergency shelter program; and

WHEREAS, the territory is within the service area of the Lemon Grove Sanitation District, an independent sewer district formed and operating under the County Sanitation District Act, Health & Safety Code section 4700, et seq. ("LGSD"), but LGSD has no facilities in the immediate area of the Project that can provide sewer service to support the Project; and

WEHERAS, the San Diego County Sanitation District, an independent sewer district formed and operating under the County Sanitation District Act, Health & Safety Code section 4700, et seq. ("SDCSD"), has facilities in Sweetwater Road, immediately adjacent to the Project site with capacity to serve the Project; and

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code approval of the San Diego County Local Agency Formation Commission (LAFCO) is required for the SDCSD to provide service to the Property; and

WHEREAS, California Government Code section 56133(c) provides that LAFCO may authorize a district such as the SDCSD to provide new or extended services by contract outside its sphere of influence “to respond to an existing or impending threat to the health or safety of the public or the residents of an affected territory;” and

WHEREAS, if the SDCSD is authorized to provide service to the Project by LAFCO, the SDCSD would propose to do so pursuant to a Sewer Service Agreement that could meet the requirements of California Government Code section 56133(c); and

WHEREAS, without limiting the possibility of providing services pursuant to California Government Code section 56133 or some other means acceptable to LAFCO, the SDCSD is amenable to pursuing a Change of Organization as defined at California Government Code section 56021 to authorize the SDCSD to serve the Project by annexing the Territory to the SDCSD and detaching it from the LGSD; and

WHEREAS, the reasons for this proposed Change of Organization are (1) the SDCSD is empowered to and is engaged in the collection, treatment, and disposal of wastewater and has existing facilities to provide wastewater service to the Territory proposed to be annexed; and (2) LGSD does not have existing facilities in the vicinity of the Territory to provide wastewater service to the Territory proposed to be detached; and

WHEREAS, SDCSD requests the proposed Change of Organization be subject to at least the following attached proposed terms and conditions (Exhibit C); and

WHEREAS, LAFCO is authorized by at least California Government Code section 56662 to approve this proposed Change of Organization without notice or hearing and without an election; and

WHEREAS, if no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution ordering the change of organization by the County Recorder; and

WHEREAS, in accordance with Streets & Highways Code section 104.30, the County is the lead agency for the Project under the California Environmental Quality Act (CEQA) and has found it to be categorically exempt from environmental review for reasons more particularly set forth in a Notice of Exemption for the Troy Street Sleeping Cabin Project approved by the County of Board of Supervisors on July 16, 2024.

NOW, THEREFORE, the Board of Directors of the San Diego County Sanitation District, having considered the facts, standards, and requirements contained in the Board letter, testimony at the hearing, and other materials presented to or made available to

the Board in the course of considering this matter, hereby approves and adopts this Resolution of Application.

The Board of Directors of the San Diego County Sanitation District hereby delegates authority to the Director, County of San Diego, Department of Public Works, or designee, acting on behalf of the Sanitation District, to take such action as may be necessary or appropriate to perfect this application for a Change of Organization or take other action to obtain the approval of LAFCO to allow the Sanitation District to serve the Project. This delegation includes authority to pursue any other means of obtaining LAFCO approval or providing service to the Project without LAFCO approval should LAFCO approval not be required, including without limitation an out-of-agency service agreement under California Government Code section 56133.

LAFCO is hereby requested to take proceedings for the proposed Change of Organization that includes the Territory as described in Exhibit "A" and shown in Exhibit "B", according to the terms and conditions stated above and in a manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

BY: Thomas L. Bosworth, Senior Deputy County Counsel

ATTACHMENT(S)

Exhibit A – Legal Description

Exhibit B – Boundary Plat

Exhibit C – Terms and Conditions