

RESOLUTION NO. 4925

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE EXPANSION OF SEWER LATENT POWERS AND MAKING CERTAIN FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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WHEREAS, the Board of Directors of the Fallbrook Public Utility District (FPUD) desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code of expansion of sewer latent powers; and

WHEREAS, the Local Agency Formation Commission has previously granted sewer latent powers for the provision of sewer services consisting of collection, treatment, reclamation and disposal within specified areas of the FPUD; and

WHEREAS, the action requested is the annexation of the property specifically defined in the attached Exhibit "A" for the expansion of FPUD's sewer latent powers within its existing service boundary; and

WHEREAS, it is the intention of FPUD to exercise its sewer latent powers to provide sewer service to the territory described in Exhibit "A"; and

WHEREAS, it is desired that the expansion of sewer latent powers be subject to the terms and conditions set forth in the District's Administrative Code and also subject to the terms and conditions set forth by LAFCO; and

WHEREAS, the reason for the proposed expansion of sewer latent powers is as follows: to provide sewer service to the applicant and/or owner of the property described in attached Exhibit "A"; and

WHEREAS, this proposal is consistent with the sphere of influence of the FPUD; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the FPUD's Local CEQA Guidelines, the proposed action is not a project under State CEQA Guidelines section 15378 because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, in the event the proposed action is considered a project, it is categorically exempt from environmental review under State CEQA Guidelines section

15319 (Class 19) as an annexation to a special district containing an existing private structure developed to the density allowed by the current zoning where the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The property that would receive sewer services contains a single family residence consistent with the County of San Diego's zoning for the property as R2 (Residential 2.0 Dwellings Units/Acre), and only the existing structure would be served. None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply; and

WHEREAS, the proposed action is further exempt under State CEQA Guidelines section 15061, subdivision (b)(3) because it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Fallbrook Public Utility District request the Local Agency Formation Commission of San Diego County to take proceedings for the expansion of sewer latent powers to include the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED THAT the Secretary of the FPUD is hereby authorized and directed to file a certified copy of this Resolution with the Local Agency Formation Commission and the General Manager is authorized to take such other and future action as may be required to accomplish the expansion of sewer latent powers. All documents and other materials constituting the record of proceedings for this action shall be maintained by the Acting General Manager, or his designee, on file at the FPUD's offices located at 990 East Mission Road, Fallbrook, California 92028.

PASSED AND ADOPTED by the Board of Directors of the Fallbrook Public Utility District at a regular meeting of the Board held on the 26th day of March, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

EXHIBIT “A”

EXHIBIT "A"

LEGAL DESCRIPTION

APN: 106-272-09

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WESTERLY 180.00 FEET OF THAT PORTION OF LOT 19 OF THE SUBDIVISION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 821 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 26, 1896, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 19, DISTANT THEREON SOUTH 89°38'12" EAST, 329.44 FEET FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF THE WEST 10 ACRES OF SAID LOT CONVEYED TO GARDNER H. NARBONNE, BY DEED DATED APRIL 30, 1914 AND RECORDED IN BOOK 653, PAGE 55 OF DEEDS, RECORDS OF SAID COUNTY; THENCE NORTH 00°09'12" WEST ALONG THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE 80.15 FEET TO THE TRUE POINT OF BEGINNING, SAID LAST MENTIONED POINT ALSO BEING A POINT ON THE CENTER LINE OF COUNTY ROAD SURVEY NO. 398, AS FILED IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY; THENCE ALONG THE CENTER LINE OF SAID COUNTY ROAD, NORTH 76°46'00" EAST 229.73 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1000.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, 171.83 FEET THROUGH AN ANGLE OF 09°50'42" TO A POINT ON THE WEST LINE OF THE EAST 21.65 ACRES OF SAID LOT AS CONVEYED TO A. W. MORTON, BY DEED DATED JANUARY 6, 1914 AND RECORDED IN BOOK 643, PAGE 49 OF DEEDS; THENCE ALONG THE WEST LINE OF SAID EAST 21.45 ACRES, NORTH 00°09'14" WEST 250.00 FEET; THENCE PERPENDICULAR TO THE WEST LINE OF SAID EAST 21.65 ACRES, SOUTH 89°50'46" WEST 187.00 FEET; THENCE PARALLEL TO THE WEST LINE OF SAID EAST 21.65 ACRES, NORTH 00°09'14" WEST 219.43 FEET; THENCE PERPENDICULAR TO THE WEST LINE OF SAID EAST 21.65 ACRES, SOUTH 89°50'46" WEST 200.00 FEET TO A POINT ON THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE; THENCE ALONG THE EAST LINE OF SAID LAND CONVEYED TO NARBONNE, SOUTH 00°09'14" EAST 574.46 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTHERLY 390.00 FEET THEREOF.



PROPOSED ANNEXATION SEWER SERVICE AREA
 FREDRICO OROZCO, 1206 WINTER HAVEN ROAD
 PARCEL APN: 106-272-09, 0.56 AC.