



STAFF REPORT

April 8, 2026
File Number 0600-10; A-3586

SUBJECT

PL25-0131 – EMERGENCY OUT-OF-AGENCY SEWER SERVICE AGREEMENT AND ESTABLISHMENT OF RESIDENTIAL ESTATE PREZONING FOR 3216 NORTH BROADWAY

DEPARTMENT

Development Services Department, Planning Services

RECOMMENDATION

Request the City Council adopt Resolution No. 2026-58, authorizing the Mayor to execute an emergency Out-of-Agency Sewer Service Agreement for an approximate 1.23-acre unincorporated property located at 3216 North Broadway (APN 187-500-59-00), and establish prezoning for the property as Residential Estate (RE-40) in anticipation of future annexation.

Staff Recommendation: Approval (Development Services: Kevin Snyder, Director of Development Services)

Presenter: Robert Barry, AICP, Senior Planner

ESSENTIAL SERVICE – Yes, Sewer; Public Works/Infrastructure

COUNCIL PRIORITY –

FISCAL ANALYSIS

The property owner will be responsible for payment of all City and Local Agency Formation Commission (“LAFCO”) fees associated with the Out-of-Agency Service Agreement, anticipated annexation of the property, connection to the City’s sewer system, and ongoing sewer service charges.

PREVIOUS ACTION

None



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

The Out-of-Agency Service Agreement is required for unincorporated property owners requesting connection to City sewer when outside of the City's boundary but located inside of the City's sphere of influence and in anticipation of future annexation.

Government Code Section 56133 allows a city to provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from LAFCO. The subject Emergency Out-of-Agency Sewer Service Agreement has been requested by the property owner in response to a documented failure of the existing single-family residence's underground septic disposal system.

The subject unincorporated property is addressed as 3216 North Broadway (APN 187-500-59-00) and is located within the Escondido Sphere of Influence, but is not contiguous with the Escondido City boundary (Attachment "1"). The 1.23-acre property was developed in 1945 and contains one existing 576 square-foot single-family residence utilizing an underground septic disposal system. The property is bisected by Reidy Creek, which traverses the parcel north to south.

In a letter dated April 22, 2025, the San Diego County Department of Environmental Health ("DEH") confirmed that the existing septic system has failed due to high seasonal groundwater and stated that there is no suitable location on the property for a compliant replacement system (Attachment "2"). DEH has requested connection of the property to the Escondido sewer system "as soon as possible" to minimize the risk to public health and the environment due to proximity to groundwater and Reidy Creek.

The unincorporated parcel is designated as Estate I (E1) in the Escondido General Plan, which allows one dwelling unit per 1, 2, 4, or 20 acres, dependent on slope, with a minimum lot size of 40,000 square-feet. Establishment of rezoning is a LAFCO prerequisite for future annexation of the property to Escondido; however, the property was previously rezoned in 1982 as Residential Agriculture (RA-5) due to its proximity to Reidy Creek and adjacent riparian habitat. The RA-5 zone is only used to implement the Rural I and Rural II General Plan designations, and requires a minimum lot size of 5 acres. Therefore, changing the rezoning designation for the 1.23-acre parcel to Residential Estate (RE-40) is recommended to provide consistency with implementation of the existing Estate I General Plan designation for the property (Attachment "3").

The subject Out-of-Agency Sewer Service Agreement (Exhibit "A" to Resolution No. 2026-58) includes conditions requiring the property owner to: initiate future annexation proceedings with LAFCO and submit all required application materials and fees; agree to an Irrevocable Offer of Annexation, in which the owner and future owners agree to not oppose annexation to the City; and, pay all associated City and LAFCO annexation fees. Formal annexation of the property to Escondido will occur at a later time per the agreement.



CITY of ESCONDIDO

STAFF REPORT

San Diego LAFCO policy requires a proposed out-of-agency service agreement to be initiated by written request of the city manager. Accordingly, the Escondido City Manager submitted a written request to LAFCO on June 26, 2025 (Attachment “4”) to provide administrative approval for the subject sewer service agreement. The subject agreement was then conditionally approved by the LAFCO Executive Officer on November 6, 2025 (Exhibit “B” to Resolution No. 2026-58).

ENVIRONMENTAL

The Out-of-Agency Service Agreement and extension of City sewer service to the property are exempt from environmental review under the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines section 15303(d) for New Construction or Conversion of Small Structures, specifically related to the extension of a sewer connection of reasonable length, including any associated street improvements.

RESOLUTIONS

- a. Resolution No. 2026-58
- b. Resolution No. 2026-58 Exhibit “A” – Out-of-Agency Service Agreement
- c. Resolution No. 2026-58 Exhibit “B” – LAFCO Notice of Conditional Approval

ATTACHMENTS

- a. Attachment “1” – Aerial Map, General Plan Designation, Zoning Designation
- b. Attachment “2” – San Diego County Department of Environmental Health, April 22, 2025
- c. Attachment “3” – Proposed Rezoning Designation
- d. Attachment “4” – City of Escondido Request for LAFCO Approval, June 26, 2025