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Counsel

Michael G. Colantuono

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AGENDA REPORT Business | Action

December 3, 2018

TO: San Diego Commissioners

FROM: Keene Simonds, Executive Officer
Linda Zambito, Analyst I

**SUBJECT: Proposed “Lake Henshaw Change of Organization” |
Annexation to the Vista Irrigation District (File No. DA18-11)**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Vista Irrigation District (ID) to annex three unincorporated and undeveloped parcels totaling approximately 88.2 acres. The affected territory as submitted is located near Lake Henshaw in northeast San Diego County and lies outside of the Vista ID sphere of influence. The purpose of the proposal is to provide cost-savings to Vista ID by eliminating property tax obligations for the affected territory. Staff recommends approval of the proposal without modifications and without amendments to the sphere of influence for reasons detailed. Standard terms are also recommended.

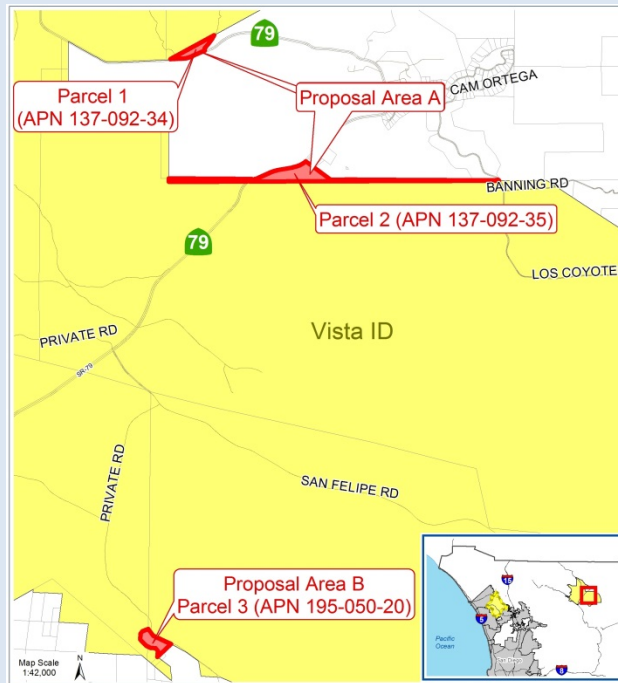
BACKGROUND

[Applicant Request | Affected Territory as Proposed](#)

San Diego LAFCO has received a proposal from Vista ID requesting approval to annex three unincorporated and undeveloped parcels totaling approximately 88.2 acres and divided between two distinct and noncontiguous areas. All three subject parcels lie within the Lake Henshaw watershed and owned by Vista ID. Area “A” comprises two of the three parcels and collectively totals 71.4 acres and located near the unincorporated community of Warner Springs and Highway 79. Area “B” comprises one parcel approximately 16.7 acres in size located east of Highway 79 along Matagual Road. The subject parcels are identified by the County of San Diego Assessor’s Office as 137-092-34, 137-092-35, and 195-050-20.

Affected Territory

- Three unincorporated parcels that are divided between two distinct areas:
 - Area “A” comprises two parcels totaling 88.2 acres
 - Area “B” comprises one parcel totaling 16.7 acres
- All three parcels are owned by Vista ID and part of the Lake Henshaw watershed



Subject Agencies

The proposal involves one subject agency: Vista ID.¹ A summary description of the lone subject agency follows.

- Vista ID is an independent special district in northern San Diego County and spans approximately 33 square miles. Vista ID encompasses the majority of the City of Vista along with portions of the Cities of Escondido, Oceanside, and San Marcos. It is authorized to provide one municipal service: potable water. Vista ID was formed in 1923 and presently provides potable water service to approximately 129,000 residents. In 1946, Vista ID added the Lake Henshaw watershed to its jurisdiction boundary in step with developing a reliable local water source. Drought conditions and population growth eventually caused Vista ID to secure other sources and in 1954 Vista ID became a member of the San Diego County Water Authority to take advantage of imports from the California and Colorado River Aqueducts. Vista ID currently delivers approximately 15,300 acre feet of water annually to its customers with approximately one-third drawn from Lake Henshaw. The water system operates over 473 miles of pipe, 12 storage reservoirs, and 7 pumping stations. Vista ID jointly owns the Escondido-Vista Water Treatment Plant and allocated 18 million gallons of the facility’s daily capacity. LAFCO established a sphere of influence for Vista ID in 1988 and it presently includes 20,111 non-jurisdictional acres. Vista ID’s unrestricted fund balance as of July 30, 2017 totaled \$19.2 million, which represents 41% of the total budgeted General Fund expenditures in 2017-2018.

¹ State law defines “subject agency” to mean any district or city for which a change or organization or reorganization is proposed.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries of the following local agencies directly subject to San Diego LAFCO.²

- County Service Area No. 135
- San Diego County Flood Control District
- Upper San Luis Rey Resource Conservation District

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without modifications – Vista ID’s submitted change of organization proposal to annex the affected territory. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to the proposal purpose and Commission focus follows.

Proposal Purpose

The purpose of the proposal is to provide Vista ID with cost-savings by eliminating further property tax obligations associated with all three subject parcels. The annual tax obligations in 2016-2017 for all three subject parcels collectively totaled \$2,943.

Development Potential

As detailed in Appendix A, the affected territory is entirely unincorporated and planned for agricultural and open space uses under the County General Plan. The minimum lot standard for all three subject parcels is 80 acres. These existing land use policies preclude the future division of the affected territory.³

Commission Focus

Three central and sequential policy items underlie the San Diego LAFCO’s consideration of the change of organization. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of (a) sphere of influence amendments, (b) timing of the change of organization itself, and (c) whether discretionary boundary modifications or approval terms are appropriate. The Commission must consider other relevant statutes in and outside of LAFCO law as detailed.

² State law defines “affected local agency” as any entity that contains, or would contain, or whose sphere of influence contains or would contain, any territory for which a change or organization is proposed or ordered.

³ The designated Zoning is A-72 (intensive) Agriculture and the General Plan Land Use designation is Rural Lands (RL-80) 1 du/ 80 acre. The subject agency has noted the subject parcels have historically been agricultural but not currently active in agricultural practices.

ANALYSIS

The analysis of the proposal is organized into two subsections. The first subsection pertains to evaluating the central issues referenced above regarding the merits of the sphere of influence amendment, timing of the change of organization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications or terms are appropriate. The second subsection considers issues required by other applicable State statutes. This includes making findings under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings per Government Code Section 57002(c).

Central Policy Items

Item No. 1 | Merits of Sphere of Influence Amendments

State law specifies all jurisdictional changes approved by San Diego LAFCO shall be consistent with the spheres of influence of the subject agencies.⁴ This statutory threshold – in most instances – would necessitate the Commission amend the proposal to include premising and concurrent sphere amendments to Vista ID to add the affected territory (Areas A and B). The statutory threshold is further prefaced on the Legislature defining spheres to demark the appropriate current and future boundary and service area of the subject agency as determined by the Commission. However, and pertinently, the Commission has established standing and unique practices specific to Vista ID to purposefully exclude jurisdictional lands from the sphere that are not expected to require services, and this includes the adjacent areas in the Lake Henshaw watershed. It would be appropriate to the Commission, accordingly, to continue to exclude the affected territory from the Vista ID sphere irrespective of considering the associated change of organization, and in doing so remain consistent with past local practice. It would also mitigate the Commission need to consider any related sphere amendments to the County Water Authority and Metropolitan Water District of Southern California.⁵ Nonetheless, and for the benefit of telegraphing a future policy discussion, this practice should be revisited as part of the next scheduled sphere update for Vista ID later this fiscal year to help ensure overall conformity with Commission goals and objectives.

⁴ Reference to Government Code Section 56375.5.

⁵ The Metropolitan Water District of Southern California (MET) is a collective of public agencies that supply imported water to Southern California. Metropolitan member-agencies purchase imported water from MET for resale. The San Diego County Water Authority (SDCWA), as a MET member agency, is the single largest purchaser of imported MET water. SDCWA, which is also a collective of public retail agencies, resells MET water to 24 member agencies in San Diego County for retail distribution.

Conclusion | Sphere of Influence Amendments

Sphere of influence amendments are not warranted to accommodate the change of organization based on past practices of San Diego LAFCO to limit the Vista ID sphere to emphasize the need and/or expectation of District services and delivery therein. It is recommended, however and as a telegraphing measure, for the Commission to holistically revisit this practice and consider making changes thereafter if appropriate as part of the scheduled sphere update for Vista ID calendared later this fiscal year.

Item No. 2 | Merits of the Annexation Timing

The timing of the proposed change of organization appears appropriate and highlighted by the analysis of the 17 factors required for consideration under LAFCO law. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the receiving agency, Vista ID. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering all boundary changes in context to the Commission's own adopted policies and practices. A summary of key conclusions generated in the review of these factors for the boundary change proposal follows with a complete analysis provided in Appendix A.

- Service Needs
There are no existing or expected service needs within the affected territory. Nonetheless, annexation of the affected territory to Vista ID represents a logical and orderly expansion of the District's jurisdictional boundary relative to local and practiced conditions. Annexation would expand the Vista ID boundary to include the remaining District-owned lands in the Lake Henshaw watershed that directly account for close to one-third of annual potable supplies delivered to approximately 129,000 residents.
- Service Capacities and Levels
Annexation would not affect service demands or capacities for Vista ID given services are not needed or expected in the affected territory within the foreseeable future. Overall and irrespective of the proposed change of organization, Vista ID has an available and sufficient capacity to accommodate existing and projected demands in the District.
- Service Funding and Costs
Annexation of the affected territory to Vista ID would generate a modest but perennial cost-savings to the District and its ratepayers by eliminating property tax obligations for the three subject parcels presently valued at \$2,943 per year.

Conclusion | Merits of Change of Organization Timing

The timing of the change of organization and annexation therein of the affected territory to Vista ID is warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to local conditions to consolidate Vista ID's watershed holdings within its jurisdictional boundary.

Item No. 3 | Merits of Modification and Terms

Staff has not identified any potential boundary modifications to the proposal that merit consideration by San Diego LAFCO at this time. (Consideration of a concurrent sphere of influence amendment is addressed earlier in this section.) Applying standard terms also appears appropriate.

Conclusion | Merits of Modifications and Terms

No modifications are merited at this time. Standard conditions are appropriate.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider any jurisdictional change unless an applicable master agreement applies. Towards this end, San Diego LAFCO has confirmed the County of San Diego Board of Supervisors has adopted a master tax exchange applicable to the proposed change of organization. The application of this master agreement will result in a "no" exchange.⁶

Environmental Review

Vista ID serves as the lead agency for assessing potential impacts of the proposal under CEQA given the District has initiated the change of organization proceedings. Vista ID has determined the action is a project under CEQA, but exempt from further review given the exemption under 15061(b)(3) which is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Staff independently concurs Vista ID has made an appropriate determination and the Commission – as the responsible agency under CEQA – should proceed with a concurrent finding.

⁶ Following LAFCO Commission approval, no further tax obligation should be applied to the subject parcels.

Protest Proceedings

Protest proceeding for the change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the lone subject agency is both the applicant and landowner and has provided their written consent to the underlying action.⁷

RECOMMENDATION

Staff recommends approval of the change of organization consistent with Alternative One as outlined in the proceeding section. Approval provides for the orderly and practiced expansion of the Vista ID jurisdictional boundary to include its watershed holdings in Lake Henshaw for the ultimate benefit of its ratepayers.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished through a single-approved motion.

Alternative One (recommended):

- a) Accept and incorporate the analysis of the Executive Officer's written report.
- b) As a responsible agency, make findings consistent with Vista ID as the lead agency and find the project exempt from additional CEQA review under the Class 15061(b)(3).
- c) Determine protest proceedings are waived under Government Code Section 56662.
- d) Adopt the form of resolution approving the "Lake Henshaw Change of Organization" to Vista ID (DA18-11) without modifications.
- e) Term approval on the following conditions being satisfied within 12 months year unless a time extension is requested and approved by the Commission:
 - Completion of the 30-day reconsideration period under Government Code 56895.
 - Submittal of a final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - Payment of any outstanding fees generated in the processing of the proposal pursuant to the LAFCO Fee Schedule.

⁷ LAFCO law defines uninhabited as territory in which 11 or less residents reside.

San Diego LAFCO

December 3, 2018 Regular Meeting

Agenda Item No. 16 | Lake Henshaw Change of Organization

Alternative Two:

Continue consideration to the next regular meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

Disapprove the proposal. This option would preclude a similar proposal being presented to the Commission for a period of no less than one year.

PROCEDURES FOR CONSIDERATION

This item has been placed on the agenda as part of the business calendar. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff unless waived;
- 2) Invite comments audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

On behalf of staff,



Linda Zambito
Analyst I

Appendices:

- A) Analysis of Proposal Review Factors

Attachments:

- 1) Full Vicinity Map
- 2) Application Materials

**APPENDIX A
ANALYSIS OF MANDATORY PROPOSAL REVIEW FACTORS
GOVERNMENT CODE SECTION 56668**

- a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.**
-

The affected territory as proposed includes three unincorporated parcels totaling approximately 88.18 acres. Area A includes two subject parcels (Assessor Parcel 137-092-34, 137-092-35) and Area B includes one subject parcel (195-050-20) located along Highway 79. The subject parcels are undeveloped and part of the Lake Henshaw watershed with surface flows directed into Lake Henshaw. The Lake Henshaw watershed is a potable water source for Vista ID. The current assessed value of the subject parcels is \$294,256.

- b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**
-

There is no need for municipal services at this time within the affected territory. The three subject parcels are part of the Lake Henshaw watershed and are uninhabited and undeveloped. Vista ID uses Lake Henshaw as a potable supply reservoir.

- c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.**
-

Approving the proposed change of organization would recognize and strengthen existing economic and social ties between Vista ID and affected territory. These ties are drawn from Vista ID's current ownership of the three subject parcels and uses therein to generate runoff as part of its Lake Henshaw watershed.

d) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies/priorities set forth in G.C. Section 56377.

The affected territory lies within the Lake Henshaw watershed and used for generating potable water supplies. Annexation of the subject parcels would conform to existing local conditions to place watershed lands within the service provider boundary. None of the lands qualify as “open-space” under LAFCO law due to its zoning and does not conflict with G.C. Section 56377.

e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not qualify as “prime agricultural land” under LAFCO law. Specifically, the lands are not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

f) The definiteness and certainty of the boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and similar matters affecting the proposed boundaries.

LAFCO is in receipt of a draft map and geographic description of the affected territory as proposed that details metes and bounds consistent with the standard of the State Board of Equalization. Approval would be conditioned on a final map and description confirming to the referenced standards. The affected territory does not cross lines of assessment.

g) A regional transportation plan adopted pursuant to Section 65080.

The proposal would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

h) The proposal’s consistency with city or county general and specific plans.

The County of San Diego designates the affected territory as Rural Lands (RL-80). This designation prescribes a minimum lot size of 80 acres and precludes additional division of any of the three subject parcels proceeding forward.

i) The sphere of influence of any local agency affected by the proposal.

No changes will affect the sphere of influence of any local agency. The change of organization is without a sphere amendment is based on past practices of San Diego LAFCO to limit the Vista ID sphere to emphasize the need and/or expectation of District services and delivery therein.

j) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all subject and affected agencies and interested public agencies as required under LAFCO law. No written comments were received.

k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and reviewed as part of this proposal indicates Vista ID appears to have established sufficient financial resources and administrative controls. This statement is supported by the following factors.

- Vista ID's last audit covers 2016-2017 and shows the District finished with appropriate liquidity levels with an agency-wide current ratio of 3.83 (i.e., \$3.82 in current assets for every \$1.00 in current liabilities).
- Vista ID finished 2016-2017 with good capital as evident by a relatively low debt ratio of 18.0% (i.e., only \$18.00 out of every \$100.00 in net assets are financed.)
- Vista ID has remained profitable in each of the last three audited fiscal years with an average total margin of 7.67%. The most recent year – 2016-2017 – the operating margin was 2.7%.

l) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

Approval of the boundary change would not directly and/or adversely affect the timely availability of water supplies. The subject lands are owned and used by Vista ID to generate runoff for storage at Lake Henshaw and subsequent treatment and delivery to ratepayers.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs given there are no changes in land use authority. Any housing needs current or future associated with the affected territory will remain assigned to the County of San Diego.

n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is uninhabited as defined LAFCO law (11 registered voters or less). The landowner supports the annexation as witnessed by the submitted resolution of application in the initiation of the proposal.

o) Any information relating to existing land use designations.

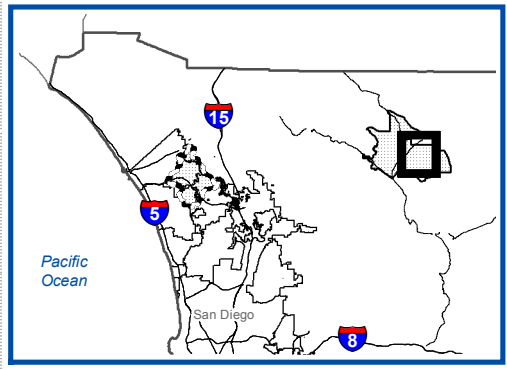
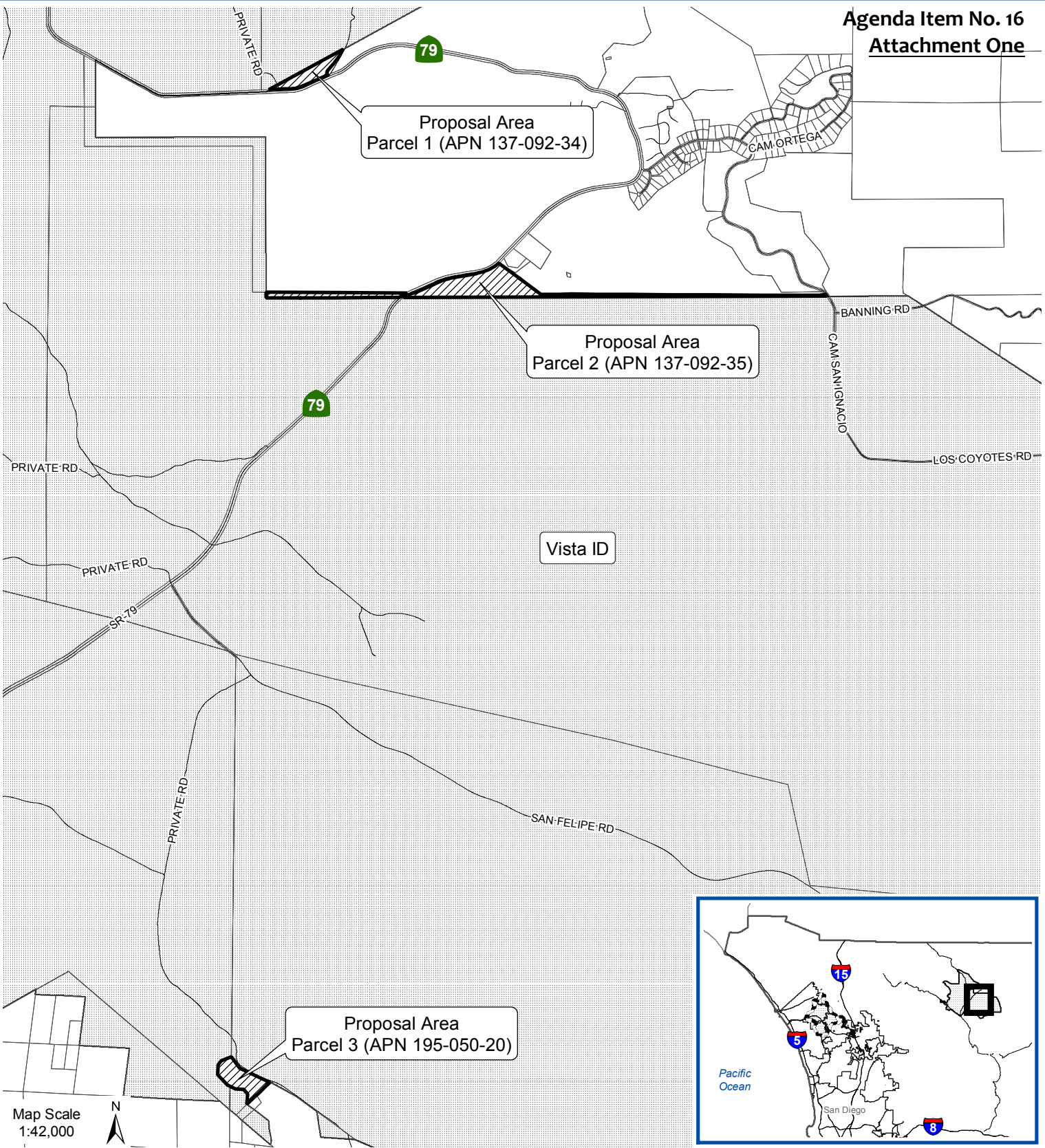
See earlier analysis concerning Factor H.

p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.




There is no documentation or evidence suggesting the proposal will have a measurable effect – positive or negative – with respect to promoting environmental justice.

56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.

Approval of the boundary change would be in the best interest of the landowner as it would eliminate further property tax obligations from the District-owned lands.



DA18-11 PROPOSED "LAKE HENSHAW ANNEXATION" TO THE VISTA IRRIGATION DISTRICT

-  Proposal Area
-  Vista ID
-  Vista ID SOI

SOI = Sphere of Influence

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RESOLUTION NO. 18-12

A RESOLUTION OF APPLICATION
BY THE VISTA IRRIGATION DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO UNDERTAKE PROCEEDINGS FOR THE
VISTA IRRIGATION DISTRICT CHANGE OF ORGANIZATION 2018-01

WHEREAS, Vista Irrigation District (“VID”) owns approximately 43,000 acres of land in unincorporated San Diego County, known as the “Warner Ranch,” within which is located a water supply reservoir known as “Lake Henshaw” which serves the residents and water users of VID, among others; and

WHEREAS, while most of the lands of the Warner Ranch lie within VID’s boundaries, VID has acquired three small parcels of real property, designated as Assessor Parcel Nos. 137-092-34, 137-092-35 & 195-050-20 (the “Subject Territory”), located outside of and adjacent to District boundaries; and

WHEREAS, the Board of Directors of the Vista Irrigation District desires to initiate proceedings to annex into its boundaries the Subject Territory;

NOW, THEREFORE, the Board of Directors of the Vista Irrigation District does hereby resolve as follows:

Section 1. The proposal to annex the Subject Territory to VID is a change of organization undertaken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code (“Cortese-Knox-Hertzberg Act”). The short-form designation for the proposal is, “Vista Irrigation District Change of Organization 2018-01.”

Section 2. Vista Irrigation District Change of Organization 2018-01 includes the following jurisdictional change: The annexation of the Subject Territory, designated as APN’s 137-092-34, 137-092-35 & 195-050-20, to VID.

Section 3. The Subject Territory is uninhabited, is located in unincorporated San Diego County adjacent to VID’s Warner Ranch property and the boundaries of VID, and is more particularly described in Exhibit “A”, attached hereto and delineated on the map attached hereto as Exhibit “B”, both of which exhibits are incorporated herein by this reference.

Section 4. The terms and conditions proposed for Vista Irrigation District Change of Organization 2018-01 are set forth in Exhibit “C.”

Section 5. The reason for the proposed change of organization is as follows:

The annexation of the Subject Territory to VID is necessary in order to reflect recent property transfers between VID and adjacent property owners, so that the Subject Territory is included within VID’s boundaries, along with the remainder of VID-owned property within the Warner Ranch.

Section 6. The proposal is not consistent with the sphere of influence of VID; however, VID's Warner Ranch is not included within LAFCO's adopted sphere of influence for VID. Therefore, the proposed annexation of the Subject Territory to VID's boundary in the vicinity of the Warner Ranch will not require a concurrent amendment to the VID sphere to include the Subject Territory.

Section 7. The Plan for Services for the Subject Territory is attached hereto as Exhibit "D" and incorporated herein by this reference is hereby approved.

Section 8. The Local Agency Formation Commission of San Diego County ("LAFCO") is hereby requested to take proceedings for Vista Irrigation District Change of Organization 2018-01 for the annexation of the Subject Territory described in Exhibit "A" and delineated in Exhibit "B", in the manner provided by the Cortese-Knox-Hertzberg Act.

Section 9. VID staff are hereby authorized and directed to file this Resolution, the attached legal description, map of and Terms and Conditions and Plan for Services for the Subject Territory, with LAFCO, and to take any further actions consistent with this Resolution to process and complete the annexation of the Subject Territory.

Section 10. VID Board of Directors find that the Subject Territory to be annexed is undeveloped, the current zoning for the Subject Territory is agriculture, and VID as the owner of the Subject Territory has no intention of seeking a zone change for or developing the Subject Territory. Also, no utility services either currently serve the Subject Territory or will be needed to serve the Subject Territory. Therefore, as it can be seen with certainty that there is no possibility that Vista Irrigation District Change of Organization 2018-01 may have a significant effect on the environment, such that the proposed annexation is not subject to CEQA (State CEQA Guidelines Section 15061(b)(3)). VID staff is authorized and directed to file a Notice of Exemption with respect to the initiation of Vista Irrigation District Change of Organization 2018-01.

PASSED AND ADOPTED by the Board of Directors of Vista Irrigation District this 18th day of April 2018, by the following roll call vote:

AYES: Directors Vásquez, Sanchez, MacKenzie, Miller, and Dorey
NOES: None
ABSTAIN: None
ABSENT: None


Paul E. Dorey, President

ATTEST:


Marian Schmidt, Assistant Secretary
Board of Directors
VISTA IRRIGATION DISTRICT

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION**

The following information must be submitted when filing a change of organization or reorganization proposal with the San Diego Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal.

- 1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
- 2. (a) A **certified resolution of application** from an affected city or district; or
(b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
- 3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
- 4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
 - (a) **INITIAL STUDY:** Submit completed form (available from LAFCO) if no environmental review has been conducted;
 - (b) **CATEGORICAL EXEMPTION:** Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
 - (c) **NEGATIVE DECLARATION (ND):** Submit document with certifying resolution and Initial Study*;
 - (d) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.

* For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
- 5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
- 6. **JURISDICTIONAL CONFLICTS:** If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.
- 7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
- 8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
- 9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
- 10. **LAFCO processing fees.** The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

**SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
9335 Hazard Way · Suite 200 · San Diego, CA 92123
(858) 614-7755 · www.sdlafco.org**

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

The information in this application is used by LAFCO staff to evaluate proposals for changes of government organization. Please respond to **all** items in this form, indicating "NA" when an item does *not* apply.

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. Vista Irrigation District	1. Annexation
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

As part of this application, the city of NA or the Vista Irrigation district, The Vista Irrigation District (the applicant), and/or the NA (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul the approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of NA or the Vista Irrigation district may result in the imposition of taxes, fees and assessments **existing within the (city or district)** on the effective date of annexation. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those **existing taxes, fees and assessments.**

Agreed:

Signature: Eldon Boone Date: 4/27/13

Print/Type Name: ELDON BOONE

Address: 1391 Engineer Street, Vista CA 92081-8840

Telephone: (760) 597-3117

Property Address: NA

Cross Street(s): 79 Freeway/Lost Valley Road, 79 Freeway/Los Coyotes Road

Assessor Parcel Number(s): 137-092-34, -35 & 195-050-20 Acres: 89.93

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.

Name: _____

Address: _____

Telephone: () _____

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary **at this time** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). The annexation is necessary in order to reflect recent property transfers and to annex properties now owned by the Vista Irrigation District so that they are included within the Vista Irrigation District boundary.

2. Describe the use of **developed** property within the proposal territory, including details about existing structures. Describe anticipated development of **vacant** property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. The proposed properties to be annexed are undeveloped and the District has no plans to develop these properties.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. APN's 137-092-34 & 35 are located near the community of Warner Springs, adjacent to Highway 79. The properties are gently rolling to hilly with some trees and shrubs. APN 195-050-20 is located approx. 2.5 miles East of Highway 79 along Matagual Rd. (pvt). Matagual creek (ephemeral) runs through the property.

4. How many residents live within the proposal territory? 0

5. How many of these residents are registered voters? NA

6. Are there any jurisdictional issues associated with the LAFCO proposal or pending LAFCO action?

NO YES (If yes, please complete the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

If the proposal territory is **not** within an incorporated city, San Diego County General Plan and zoning information may be obtained by calling (858) 565-5981 or toll-free (888) 267-8770 with the Assessor Parcel Number(s) of the subject property. If the proposal territory is within a city, please call the appropriate city's planning department for General Plan and zoning information.

1. COUNTY:

(a) The territory is within the North Mountain community plan.

(b) The County General Plan or community plan designation and allowed density: 137-092-34, -35 = RL80; 95-050-20 = Public Agency/Rural Lands RL80. Density= 1 Dwelling Unit (DU)/ 80 AC.

(c) Current County zoning and allowed density: 137-092-34, -35 & 195-050-20 = A72 (General Ag.) Density per General Plan = 1 DU/ 80 Ac.

2. CITY:

(a) The territory is within the general plan area for the City of NA

(b) The City General Plan land use designation and allowed density: NA

(c) Current City zoning and allowed density: NA

(d) Current City rezoning and allowed density: NA

3. Indicate below **all** permits or approvals that will be needed by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date.

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
City Rezoning	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)	NA		<input type="checkbox"/> YES <input type="checkbox"/> NO

4. Describe the land uses surrounding the proposal territory (e.g., residential, commercial, agricultural, industrial, open space, etc.).

North: Agriculture/Cattle Grazing;-35-School/Fire Dept. East: Open Space; -20-Boy Scout Camp
 South: Agriculture/Cattle Grazing;-34 Glider Port West: Agriculture/Cattle Grazing

5. Indicate with a if any portion of the proposal territory contains the following:

- Agricultural land uses Agricultural Preserve
- Open Space Easement Slopes greater than 25%
- Sewer moratorium area Coastal Permit Zone
- Unusual features such as: _____

6. For city annexation proposals: Is any part of the proposal territory under a Williamson Act contract? If yes, please contact the LAFCO office for special instructions regarding petition/resolution of application requirements. YES NO

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? YES NO
(b) *If yes*, which agency? _____
2. (a) Is a developed parcel in need of annexation due to failed septic system? YES NO
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.
(c) *If no*, is annexation for sewer service part of this application? YES NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? _____
4. (a) Has the agency that will be providing service issued a letter of sewer availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation? YES NO
(b) *If no*, please explain: NA _____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? YES NO
(b) *If yes*, which agency? _____
2. Is a well or other on-site water system currently used on the property? YES NO
3. Is an on-site system proposed to be used when the property is developed? YES NO
4. (a) Is annexation for water service part of this application? YES NO
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? _____
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation? YES NO
5. (a) Has the agency that will be providing service issued a letter of water availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES: NOTE: Complete the following section **only** if annexation to a fire protection service provider is proposed—or if the current fire protection service provider is proposed to change.

1. (a) Is the proposal territory **currently** within an agency that provides fire protection? YES NO
(b) **If yes**, provide name and address/location of current fire service provider
NA

(c) Provide estimated response times to the proposal territory:

priority ^{NA} minutes; non-priority ^{NA} minutes

2. Is annexation for fire protection service part of this application? YES NO

3. Which city or district would serve the proposal territory if this jurisdictional change is approved?
NA

(a) Location/address of the proposed fire service provider: ^{NA}

(b) Estimated response times to the proposal territory:

Priority ^{NA} minutes; non-priority ^{NA} minutes

POLICE PROTECTION SERVICES: NOTE: Complete the following section **only** if the police protection provider is proposed to change.

1. Which police agency **currently** serves the proposal territory?

NA

(a) Location/address of nearest police station: ^{NA}

(b) Estimated response times to the proposal territory: priority ^{NA} minutes; non-priority ^{NA} minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

NA

(a) Location/address of nearest police station: ^{NA}

(b) Estimated response times to the proposal territory:

Priority ^{NA} minutes; non-priority ^{NA} minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

² "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at <http://www.sdlafco.org/document/CommRoster.pdf>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____
Annexation _____

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. NA _____

2. NA _____

(c) Date and amount of contribution:

Date NA _____ Amount \$ NA _____

Date NA _____ Amount \$ NA _____

(d) Name of commissioner to whom contribution was made:

1. NA _____

2. NA _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name ELDON BOONE

Signature Eldon Boone

Date 4/27/18 Phone (760) 597-3117

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

Effective January 1, 2008, expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 et seq. apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with San Diego LAFCO?

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

Note: Processing of jurisdictional boundary change proposals, which involve *uninhabited*¹ territory, can be expedited by approximately 60 days if all affected landowners consent to the proposal. If you wish to take advantage of this option, please return the completed PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY to San Diego LAFCO with your application for a jurisdictional boundary change. If consenting signatures of **100%** of the affected property owners are affixed and LAFCO does not receive any opposition from subject agencies, the Commission may consider the proposal without public notice, public hearing and/or an election.

¹ Territory included within a proposed boundary change that includes less-than 12 registered voters is considered *uninhabited* (Government Code 56045).

The undersigned owners(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization or reorganization consisting of:

(Please list all proposed actions)

Annexation to: 1. Vista Irrigation District
2. _____
3. _____

Detachment from: 1. NA
2. _____
3. _____

<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1. <u>4/27/18</u>	<u>Elaine Boone</u>	137-092-34, 137-092-35 & 195-050-20
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

NOTE: A copy of this form must be completed and signed by each local agency that will gain or lose territory as a result of the proposed jurisdictional boundary change. Attach additional sheets if necessary.

<i>Elton Boone</i>	ELTON BOONE
Signature of agency representative	Print name
GENERAL MANAGER	
Title	
760-597-3117	4/27/18
Telephone	Date

A. JURISDICTIONAL INFORMATION:

Name of agency:
Vista Irrigation District

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
If yes, please provide details of all costs: _____

6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements. Yes No

EXPEDITED PROPOSAL PROCESSING: *Processing of jurisdictional boundary change proposals can be expedited by approximately 60 days if all affected landowners consent to the waiver of protest and termination (conducting authority) proceedings and subject agencies do not oppose the waiver. If you do NOT want to waive these proceedings, then attach a written statement to the subject agency information form containing a signature, date, and declaration of opposition to a waiver of such proceedings.*

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? NA
-
2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? NA
-
3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?
NA
- (b) What is the agency's peak flow capacity (expressed in million gallons per day)?
NA
- (c) Has the agency exceeded the flow (peak) capacity within the past two years? YES NO
- (d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: NA
-
4. (a) Has the agency issued a letter of sewer availability for the proposal territory? YES NO
- (b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? NA
- (b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? YES NO
6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? YES NO
- (b) *If yes*, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):
NA
-
- (c) *If no*, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: NA
-
7. Will the proposal territory be annexed to a sewer improvement district? YES NO
8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is NA feet.
- (b) Describe the location of the connection to the agency's existing sewer system:
NA

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? YES NO

(b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):
NA

(c) *If no*, what plans does the agency have to increase its water capacity?
NA

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): NA YES NO

3. (a) Has the agency issued a letter of water availability for the proposal territory? YES NO
(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

4. (a) The distance for connection of the proposal territory to the agency's existing water system is NA feet.
(b) Describe the location of the connection to the agency's existing water system:
NA

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? YES NO
(b) *If yes*, describe the conditions and specify any related restrictions:
NA

6. (a) Will the proposal territory utilize reclaimed water? YES NO
(b) *If yes*, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):
NA

(c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is NA feet.

(d) Describe the location of the connection to the agency's existing reclaimed water system: NA

(e) *If no*, has the agency considered availability of reclaimed water to the proposal territory? YES NO

(f) What restrictions prevent use of reclaimed water? NA

7. Will the proposal territory be annexed to an improvement district? YES NO