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# 11

## AGENDA REPORT Public Hearing

October 1, 2018

**TO:** San Diego Commissioners

**FROM:** Keene Simonds, Executive Officer  
Robert Barry, Chief Policy Analyst

**SUBJECT:** **Proposed “North Avenue Estates Reorganization” |  
Annexation to City of Escondido with Concurrent Detachments  
from County Service Area No. 135 (Regional Communications)  
and the Deer Springs Fire Protection District (RO18-06 et al.)**

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## SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by resolution of the City of Escondido to annex approximately 17.9 acres of unincorporated territory located within its sphere of influence. The proposed reorganization includes concurrent detachments of the affected territory from the Deer Springs Fire Protection District (FPD) and County Service Area (CSA) No. 135 (regional communications) in conjunction with Escondido assuming service responsibilities. The primary purpose of the reorganization is to facilitate the proposed 34-unit single-family residential development known as “North Avenue Estates.” An initial version of the proposal was approved by the Commission in August 2008, but subsequently terminated before recordation as a result of Escondido objecting to a special approval term to address potential development impacts on adjacent septic systems along Laurashawn Lane. Staff believes the current development plan includes sufficient revisions to remedy these earlier concerns, and it is recommended the Commission approve the reorganization without modifications and waive protest proceedings. Standard terms are also recommended.

## BACKGROUND

### Applicant Request | Affected Territory as Proposed

San Diego LAFCO has received an application from the City of Escondido (“Escondido”) on behalf of interested landowners requesting approval to annex approximately 17.9 acres within the City’s sphere of influence. Escondido is also seeking concurrent approval to detach the affected territory from Deer Springs FPD and CSA No. 135 (regional communications) in conjunction with the City assuming the associated services. As submitted, the affected territory includes five unincorporated parcels located along North Avenue and divided between two non-contiguous areas as described below.

- Area “A” includes three of the five subject parcels and located immediately north of the intersection of North Avenue and Conway Drive. Two parcels are undeveloped and subject to a development approval as detailed in the succeeding sections. These two parcels are identified as 224-153-19 and 224-153-20 and are approximately 1.25 and 16.48 acres in size, respectively. The third parcel is developed with one single-family residence and is identified as 224-153-15. The third parcel is also already connected to Escondido’s wastewater system via an earlier LAFCO-approved contractual service agreement between the landowner and the City.
- Area “B” includes two of the five subject parcels and is located approximately 1,200 feet west of Area A near North Avenue’s intersection with North Broadway Street. The two parcels are each developed with one single-family residence and are identified as 224-331-14 and 224-331-16. These two parcels are also already connected to Escondido’s wastewater system through earlier LAFCO-approved contractual service agreements between the respective landowners and the City.

#### Affected Territory

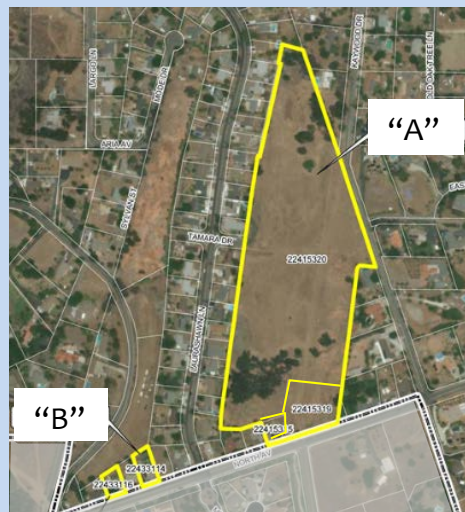
##### Area A

- Three Parcels
- One Parcel is Developed with SFR \*
- Two Parcels are Undeveloped;  
Subject to 34-lot Subdivision

##### Area B

- Two Parcels
- Both Developed with SFR \*

\* Already Connected to City Wastewater



## Subject Agencies

The proposed reorganization involves three subject agencies whose service areas would be affected by the associated boundary changes: Escondido; CSA No. 135 (regional communications) and Deer Springs FPD.<sup>1</sup> A summary of the subject agencies follows.

- Escondido is located in northern San Diego County and encompasses approximately 23,200 acres or 36.2 square miles. It is bordered by the incorporated Cities of San Marcos to the east and San Diego to the south as well as the unincorporated communities of Harmony Grove, Elfin Forest, Eden Hills, Hidden Meadows, Valley Center, San Pasqual, Lake Hodges, and San Dieguito. Escondido was incorporated in 1888 and is governed by a five-member city council consisting of a directly-elected at-large mayor and four councilmembers elected by district. The estimated resident population is 150,760.<sup>2</sup> Escondido presently provides a full range of municipal services marked by land use and community planning, fire and police protection, emergency medical, wastewater, water, and recycled water.<sup>3</sup> LAFCO established a larger-than-agency sphere of influence for Escondido in 1979, which was last reviewed and affirmed in 2008 and includes 19,619 non-jurisdictional acres.<sup>4</sup>
- Deer Springs FPD is an independent special district that provides fire protection and emergency medical services within an approximate 28,260 acre or 44.2 square mile jurisdictional boundary in northern San Diego along the I-15 corridor. Escondido is directly to the south. Deer Springs FPD was formed in 1981 and is governed by a five-member board of directors that are elected at-large to four-year terms. The estimated resident population in Deer Springs FPD is 12,737.<sup>5</sup> Fire protection and emergency medical services – which includes advance life support – is provided by Deer Springs FPD through a contract with CALFIRE. This contract provides staffing for three FPD fire stations: (1) 8709 Circle R Drive; (2) 1321 Deer Springs Road; (3) 10308 Meadow Glen Way East.<sup>6</sup> LAFCO established a smaller-than-agency sphere of influence for Deer Springs FPD in 1983. The sphere was last reviewed and affirmed by LAFCO in 2014 and excludes 8,020 jurisdictional acres – including the affected territory – with the majority located to the south towards Escondido.
- CSA No. 135 is a dependent special district that provides regional communications throughout its approximate 2,393,485 acre or 3,739.8 square mile jurisdictional boundary that includes all unincorporated lands as well as 10 of the 18 local cities.<sup>7</sup> (It also provides fire protection and emergency medical services within a LAFCO-activated latent power area of its jurisdictional boundary. The affected territory is

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

<sup>2</sup> Referenced source is San Diego Association of Governments, 2016 estimates.

<sup>3</sup> Rincon Del Diablo Municipal Water District also provides water and fire protection services within portions of Escondido.

<sup>4</sup> The next scheduled sphere of influence review is 2018-2019.

<sup>5</sup> Referenced source is San Diego Association of Governments, 2016 estimates.

<sup>6</sup> Auxiliary services are also provided from the CALFIRE station at 1127 West Lilac Road.

<sup>7</sup> Cities within CSA No. 135 are Carlsbad, Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Solana Beach, Santee, and Vista.

**San Diego LAFCO**

October 1, 2018 Regular Meeting

Agenda Item No. 11 | North Avenue Estates Reorganization (City of Escondido)

not located within the activated latent power area.) CSA No. 135 and its regional communication services were established in 1994 to support the funding and operation of an 800 MHz communications system for public safety personnel. The estimated resident population in CSA No. 135 is 1,057,005.<sup>8</sup> LAFCO established a sphere of influence in 1994 for CSA No. 135 that is coterminous with the county boundary. The sphere was last reviewed and affirmed in 2007.

**Affected Local Agencies**

The affected territory is presently located within the jurisdictional boundaries of the following local agencies directly subject to San Diego LAFCO.<sup>9</sup>

- Deer Springs FPD \*
- CSA No. 135 (regional communications) \*
- Rincon del Diablo MWD
- North County Cemetery District
- Palomar Health Healthcare District
- Resource Conservation District of Greater San Diego County

\* Subject to the proposed reorganization

**ADDITIONAL BACKGROUND**

**Earlier Proposal and Commission Action**

The affected territory was previously subject to a proposed reorganization submitted by Escondido to San Diego LAFCO in 2006.<sup>10</sup> The earlier proposal similarly sought to facilitate the subdivision and development of Area A to include 34 single-family residence lots. (Area B was not included in the initial proposal.) The proposal was considered and approved by LAFCO in August 2008 with a condition imposed by the Commission to address the potential need for the remedial extension of Escondido wastewater services to impacted adjacent properties along Laurashawn Lane. Escondido did not agree to the condition and the proposal was subsequently terminated in 2009 due to a failure to complete terms within a specified period. Additional background details concerning the earlier proposal are provided as part of an attached memorandum.

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<sup>8</sup> Referenced source is San Diego Association of Governments, 2016 estimates.

<sup>9</sup> 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.

<sup>10</sup> LAFCO Ref. No. RO06-18.

## DISCUSSION

This public hearing item is for San Diego LAFCO to consider approving – with or without modifications – Escondido’s reorganization proposal to annex the affected territory along with the corresponding boundary changes to detach from Deer Springs FPD and CSA No. 135 (regional communications). The Commission may also consider applying conditions of approval for the reorganization so long as it does not directly regulate land use, property development, or subdivision requirements. Specific and concurrent action approvals underlying the requested reorganization under LAFCO law follows.<sup>11</sup>

- Annex the affected territory to Escondido.
- Detach the affected territory from Deer Springs FPD.
- Detach the affected territory CSA No. 135 (regional communications).

Additional discussion with respect to proposal purpose and Commission focus follows.

### Proposal Purpose

The primary purpose of the proposed reorganization before San Diego LAFCO is to facilitate the development of a 34-unit single-family residential subdivision within two of the three parcels comprising Area A. This planned development is consistent with Escondido’s General Plan, pre-zoning, and tentative subdivision map approvals specific to the subject parcels.<sup>12</sup> Markedly, and in order for the development to proceed, annexation is necessary given the need to establish public wastewater services to support the density. Escondido’s conditional development and pre-zoning approvals are accordingly contingent on LAFCO approval of the reorganization. The secondary purpose of the proposal is to bundle the annexations of three developed unincorporated properties in Areas A (one parcel) and B (two parcels) that are each presently connected to Escondido’s wastewater system under contractual service agreements due to a failed or failing septic system.

### Present and Proposed Development Potential

As detailed in Appendix A, the affected territory (Areas A and B) as proposed is planned for single-family residential use under both the County of San Diego and Escondido General Plans. Differences exist with respect to prescribing minimum lot sizes with the County requiring 1.0 acres and Escondido requiring 0.5 acres with associated ancillary standards – including the availability of public wastewater services. Escondido’s pre-zoning further prescribes potential uses. The two undeveloped parcels in Area A are pre-zoned as Planned Development – Residential (PD-R 1.97) and allows for the referenced approval of the 34-lot

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<sup>11</sup> The detachment to Deer Springs FPD would necessitate an automatic change to the FPD sphere of influence. This change is considered ministerial given it is tied to the Commission’s decision on whether to proceed with the detachment. No changes to the CSA No. 135 sphere would be necessitated as a result of approving the reorganization.

<sup>12</sup> Reference to (TR916/SUB0007-18).

subdivision. This rezoning assignment does not permit accessory units that are not part of the original approvals, and therefore no additional intensity exists. The remaining three developed parcels in Areas A (one parcel) and B (two parcels) are rezoned as Residential Estates (RE-20), and as such prohibits additional development given they become legal non-conforming lots with no allowance for accessory units.

### **Commission Focus | Policy Considerations**

The affected territory as proposed is contiguous with Escondido's incorporated boundary at North Avenue and is part of a large unincorporated area located within the northern portion of the City's sphere of influence. This pre-existing sphere determination by San Diego LAFCO narrows the Commission's consideration of the reorganization proposal to two central and sequential policy items. These policy items ultimately take the form of new determinations and serve to orient the Commission for consideration of the stand-alone merits of the (a) timing of the proposed reorganization and (b) whether discretionary boundary modifications or conditional approval terms are appropriate. The Commission must also consider other relevant statutes as detailed in the proceedings sections.

### **ANALYSIS**

The analysis of the reorganization is organized into two subsections. The first subsection pertains to evaluating the central issues referenced above regarding the timing of the reorganization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications to the submitted proposal area boundary or application of conditional 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 |**

#### **Proposed Reorganization Timing**

The proposed reorganization involves annexation to Escondido with concurrent detachments from the Deer Springs FPD and CSA No. 135 (regional communications). San Diego LAFCO's authority over city annexations involve several statutory prerequisites for the affected territory, including: consistency with the adopted sphere of influence; contiguity with the incorporated territory; and establishment of rezoning in advance of the annexation. Proposed jurisdictional changes are also evaluated per the required proposal review factors and for conformance with local policies and procedures.

The timing of the proposed reorganization appears appropriate and highlighted by the analysis of the 16 proposal review factors required for consideration under LAFCO law and detailed in Appendix A. The majority of the prescribed factors evaluate the impacts of the proposed reorganization on the service and financial capacities of the *receiving* entity: Escondido (emphasis added). No single review factor is intended to be determinative as the factors collectively provide a uniform baseline for LAFCO to evaluate and consider proposed boundary changes in context with the Commission's own adopted policies and practices. A summary of key conclusions generated in the staff review of these factors for the proposed reorganization follows.

- Service Needs

The reorganization includes unincorporated territory located within Escondido's sphere of influence and contiguous with the incorporated territory. Annexation of the affected territory would represent a logical and orderly expansion of Escondido's incorporated boundary and would not create islands or corridors of unincorporated territory. Additional details on service needs follow.

- The Commission has previously designated Escondido as the appropriate future and long-term land use authority and primary service provider for the affected territory through the long-standing inclusion of the subject parcels within the sphere of influence. Annexation now to Escondido memorializes this standing expectation and accommodates the expressed interest of all affected landowners as evident by their written consent to the proceedings.
- Approval would affirmatively respond to the Commission's policy interest to match known and specific development in urbanizing areas with municipal providers with an emphasis in facilitating connections to public wastewater systems when possible.

- Service Capacities and Levels

Escondido would assume service responsibilities for the affected territory upon annexation and highlighted by providing wastewater, fire protection and emergency medical, and law enforcement to all five subject parcels. A review of existing capacities and levels indicates Escondido has sufficient controls and resources to accommodate demands within the affected territory at their planned and maximum uses. Additional details on service capacities and levels follow.

- **Wastewater:** An existing sewer main lies within the public right-of-way on North Avenue and immediately adjacent to the affected territory and allows for lateral connections to the two undeveloped parcels in Area A. (The three remaining parcels in Areas A (one parcel) and B (two parcels) are already connected.) Escondido's existing wastewater system is presently operating at 70% of capacity and can readily assume projected demands associated with the development of Area A and the North Avenue Estates project.

- Fire Protection and Emergency Medical: Escondido's closest fire station to the affected territory is located at 1808 North Nutmeg Street (Station No. 3). This station – which is one of seven located within Escondido – houses one paramedic fire engine and one wildland brush engine and staffed 24 hours. It is approximately 2.8 miles from the affected territory. Analysis performed by Escondido in reviewing the underlying development project identified response times from Station No. 3 to the affected territory would meet the 7.5-minute response standard established in the City General Plan.
- Law enforcement: Escondido presently employs 170 sworn and 69 non-sworn support personnel; the former producing a ratio of 1.1 officers for every 1,000 residents. Operations are provided out of a single station at 1163 North Centre City Parkway and is approximately 3.1 miles from the affected territory with an approximate travel time of less than 6.0 minutes.
- Service Funding and Costs

Escondido has overall financial resources to assume and provide municipal services to the affected territory in support of its current and planned development. Additional details on service funding and costs follows and further addressed in the accompanying footnote.<sup>13</sup>

  - Escondido finished 2016-17 with high liquidity with an overall current ratio of 12.8 (i.e., \$12.80 in current assets for every \$1.00 in current liabilities).
  - Escondido finished 2016-17 with modest capital with an overall debt ratio of 53% (i.e., a slightly more than half – \$53.00 of every \$100.00 – of all assets are financed.) This ratio includes deferred outflows/inflows related to pensions.
  - Escondido finished 2016-17 with a positive bottom line with a total margin of 1.5%.

### Conclusion | Merits of Reorganization Timing

The timing of the reorganization and transfer therein of land use authority and other specified services to Escondido is warranted. Justification is marked by the preceding analysis and highlighted by accommodating the planned development within Area A of the affected territory through Escondido's land use and service powers. Additional analysis supporting the conclusion is provided in Appendix A.

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<sup>13</sup> Development agreement associated with the North Avenue Estates project provides for payment of development fees and general fees to Escondido in the amount of \$425,000 or \$12,500 for each of the 34 residential lots. Escondido has agreed to provide the owner with fee credits towards the deficiency fees in the amount of the actual costs of the project's proposed drainage improvements not to exceed \$100,000.



## Item No. 2 |

### Proposal Modification and Terms

Staff has not identified any potential boundary modifications to the proposal that merit consideration by San Diego LAFCO at this time. Standard terms also appear appropriate to apply to the reorganization. This latter comment – importantly – differs from a determination made in the review of the earlier 2008 proposal in which staff recommended and the Commission approved a condition to address potential septic impacts on neighboring properties along Laurashawn Lane. For reasons addressed in the succeeding sections and detailed in the attached memorandum, the revisions to the development plan provide substantive assurance of no impacts to the adjacent septic systems, and as such staff is not recommending additional conditions of approval.<sup>14</sup>

#### Conclusion | Merits of Modifications and Terms

No modifications appear warranted. Standard terms are recommended. This latter conclusion substantiates the development plan associated with Area A appropriately mitigates concerns previously identified by LAFCO in the review of the initial proposal in 2008 involving impacts to adjacent septic systems on Laurashawn Lane.

### 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 a jurisdictional change, unless an applicable master property tax transfer agreement is adopted per Revenue and Taxation Code Section 99(d). Escondido and the San Diego County Board of Supervisors have adopted a master agreement governing the exchange of property taxes associated with various boundary changes. This master agreement applies to the reorganization and will provide Escondido a net property tax transfer of \$1,244 of annual property tax revenue under current assessed valuations.

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<sup>14</sup> It is similarly noted the modification of the reorganization to include the adjacent Laurashawn Lane properties as a means to holistically address LAFCO's long-term interest in establishing public wastewater services to the properties does not appear viable at this time for two reasons. First, and as a prerequisite to annexation, Escondido policy requires streets to be improved to city standards with respect to width and cannot be readily achieved on Laurashawn Lane given existing setbacks. Second, and as a means to establish public wastewater via annexations or outside service extensions, a sewer main would need to be extended from North Avenue to and along Laurashawn Lane at a cost that appears prohibitive to the landowners and in the absence of a long-term financing plan. (LAFCO staff estimates the approximate costs to establish wastewater to the portion of Laurashawn Lane immediately adjacent to the affected territory is \$1.220 million and includes bundling construction costs, connection fees, and related administrative charges.)

## Environmental Review

Escondido serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA) (Public Resources Code, Sec. 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations Sections, 15000, et seq.) given the City has initiated the reorganization by resolution. In 2006, Escondido adopted an Initial Study and Final Mitigated Negative Declaration (MND) for the underlying development and identified potential significant environmental impacts in the categories of biological resources, cultural resources, noise, and mandatory filing of significance.<sup>15</sup> Following revisions to the proposed development, Escondido determined that no new impacts would occur from the modified project and subsequently approved an Addendum to the MND in 2016. Staff recommends the Commission concur with Escondido and adopt the findings of the MND and Addendum as a responsible agency.

## Protest Proceedings

Protest proceeding for the reorganization 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, no subject agency filed an objection to waiving protest, and the landowners have consented to the underlying actions.<sup>16</sup>

## RECOMMENDATION

Staff recommends San Diego LAFCO approve the reorganization consistent with Alternative One as outlined in the proceeding section. Approval provides for the anticipated and orderly annexation of the affected territory to Escondido consistent with its existing sphere of influence as well as current service capacities necessary to support current and planned development of the subject parcels. Associated boundary changes to detach the affected territory from Deer Springs FPD and CSA No. 135 are similarly warranted and achieve governmental efficiencies by streamlining municipal services for the affected territory through one provider.

The above recommendation acknowledges there are ongoing concerns of adjacent landowners on Laurashawn Lane regarding potential impacts of the reorganization to their unincorporated properties. Specifically, and due to the proximity of the proposed development of Area A to their septic systems, several adjacent landowners have requested additional assurances from Escondido and/or LAFCO that impacts will not occur and – if needed – that their properties would be connected to the wastewater system. As detailed in the attached memorandum, the reorganization was originally submitted by Escondido and conditionally approved by LAFCO in 2008. The approved reorganization proposal was subsequently terminated after Escondido objected to a LAFCO condition of

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<sup>15</sup> Escondido also adopted a Mitigation Monitoring and Reporting Program to reduce the identified impacts to less-than-significant levels.

<sup>16</sup> LAFCO law defines uninhabited as territory in which 11 or less residents reside.

approval to remedy potential impacts on the adjacent septic systems. Escondido has resubmitted the reorganization proposal with revisions to the underlying development plan that staff believes sufficiently remedies the earlier concerns. These remedies have been substantiated through analysis performed by a licensed geotechnical engineering firm and affirmatively reviewed by the Department of Environmental Health with additional details footnote.<sup>17</sup> Accordingly, and in light of geotechnical site data and concurrence by Environmental Health, staff believes it is appropriate to proceed with the reorganization without enlisting special terms concerning adjacent septic systems.

It is also acknowledged Deer Springs FPD has expressed concern with the reorganization and specifically the associated detachment and loss of potential revenues associated with the pending development of Area A within the affected territory. Staff is aware Deer Springs FPD and Escondido along with the developer for Area A have discussed a potential compensatory fee being paid to the FPD, but as of date there has been no agreement.

### **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 responsible agency, make concurrent findings on the environmental effects of the project to the mitigated negative declaration adopted by Escondido.
- c) Determine protest proceedings are waived under Government Code Section 56662.
- d) Adopt the form of resolution approving the "North Avenue Estates Reorganization" (RO-18-06 et al) with no modifications. Standard terms apply as follows and must be satisfied within 12 months unless a time extension is requested and approved:
  - 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 pursuant to the LAFCO Fee Schedule.

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<sup>17</sup> A licensed geotechnical engineering firm contracted by the landowner/developer of Area A performed a geotechnical study of the development site and concluded the implied subterranean groundwater flow was to the south-southwest and away from project grading. The study concludes that no impacts to the adjacent septic systems will occur from the proposed development's grading operations. Further, and at LAFCO's request, DEH reviewed the site study. In a letter dated August 17, 2018, DEH concurred with the study's conclusions that the proposed development would not impact the existing septic systems adjacent to the site, and stated, "After review of the plans, technical documents, and prior correspondence DEH staff have concluded that no significant impacts exist to the adjacent properties' onsite wastewater treatment systems from the proposed grading, cuts and fills, storm water management, or other relevant features of the development."

**San Diego LAFCO**

October 1, 2018 Regular Meeting

Agenda Item No. 11 | North Avenue Estates Reorganization (City of Escondido)

Alternative Two:

Continue consideration to a time-specified regular meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

Disapprove the proposal.

**PROCEDURES FOR CONSIDERATION**

This item has been placed on the agenda as part of a voluntarily noticed public hearing. The following procedures, accordingly, are recommended in the consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from the applicant or representatives
- 3) Open the hearing and invite audience comments (mandatory); and
- 4) Close the hearing, discuss item, and consider action on recommendation.

On behalf of staff,



Robert Barry, AICP  
Chief Policy Analyst

Attachments:

- 1) Memorandum: Previous Proposal Background, Written Correspondence Received, Deer Springs FPD Detachment
- 2) Submitted LAFCO Application Materials
- 3) Mitigated Negative Declaration (ER2005-12) and Addendum (ENV17-0011), City of Escondido ([online only](#))
- 4) Geotechnical Data
- 5) Written Correspondence Received

**APPENDIX A**  
**ANALYSIS OF MANDATORY PROPOSAL REVIEW FACTORS**  
**GOVERNMENT CODE SECTION 56668 (a-p)**

- 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.**
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As submitted, the affected territory totals approximately 17.94 acres and includes five unincorporated parcels presently located within the adopted sphere of influence for the Escondido. Three of the five subject parcels are developed with single-family residences. The affected territory is located within the northern portion of a valley surrounded by hills to the north and east. The area has an average slope of less than 10% with elevations ranging from 765 to 800 feet above mean sea level. The San Diego County Water Authority Aqueduct traverses north to south underground through the eastern portion of the affected territory. The site is not located within a designated 100-year flood zone. There are currently 15 residents and eight registered voters within the affected territory. The total assessed value (land and improvements) is \$1,624,827. The estimated population of 15 provides a per capita assessed valuation of \$108,321.80.

The affected territory is surrounded by large-lot single-family residential development to the unincorporated north and east, with higher density single-family residential development on the incorporated City of Escondido territory to the south, and immediately to the west along unincorporated Laurashawn Lane. No significant growth is expected within these surrounding lands in the next 10 years.

- 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.**
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Escondido would assume the majority of municipal service responsibilities for the affected territory upon reorganization approval with the notable exception of water, which will remain the responsibility of Rincon del Diablo Municipal Water District. Key services to be assumed by Escondido from the County include community planning, roads, and police protection. Escondido would also assume fire protection and emergency medical from Deer Springs FPD and regional communication services from CSA No. 135. Relative to LAFCOs central tasks, the proceeding analysis focuses on the service impacts associated with Escondido extending wastewater and fire services to the affected territory.

- **Extending Public Wastewater Service to Affected Territory**

Three of the five subject parcels comprising the affected territory have established outside wastewater connections with Escondido. The remaining two subject parcels are unserved and would require connection following annexation and in conjunction with facilitating the planned 34-lot subdivision. Connection for the planned development is readily available to the existing wastewater main located within the adjacent public right-of-way on North Avenue. A sewer main extension is planned to extend to the far boundary of the site per the development agreement. It is estimated the average day wastewater flow for the development at buildout will be approximately 5,984 gallons per day (gpd). This amount represents less than 0.0011 of the available and remaining daily capacity within Escondido's wastewater system, and as such will have a negligible impact.

- **Extending Fire Protection and Emergency Medical Service to Affected Territory**

Escondido would assume fire protection and emergency medical responsibilities for all five subject parcels comprising the affected territory from the Deer Spring FPD following annexation to the City. Escondido's closest fire station is located at 1808 North Nutmeg Street (Station No. 3). This station – which is one of seven stations in Escondido – houses one paramedic fire engine and one wildland brush engine and staffed 24 hours. It is approximately 2.8 miles from the affected territory. Analysis performed by Escondido in reviewing the underlying development project identified response times from Station No. 3 to the affected territory would meet the 7.5-minute response standard established in the City General Plan.

**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.**

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Approving the reorganization and annexation of the affected territory therein to Escondido would recognize and strengthen existing economic and social ties between the subject lands and the City. These ties were initially established in 1979 when the Commission included the entire area into Escondido's sphere of influence, and in doing so signaled the membership's expectation the lands be developed and served by the City when the timing is appropriate.

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

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The proposal is not anticipated to affect the existing pattern of urban development within the region. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with Section 56377.

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

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While the affected territory contain soils that potentially qualify as prime agricultural land per Section 56064, the subject lands do not contain agricultural lands as defined by Section 56016. This is because the affected territory does not include “...land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.” Therefore the reorganization will not have an effect on maintaining the physical and economic integrity of agricultural lands.

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

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The reorganization is parcel-specific with known lines of assessment. The County of San Diego Assessor’s Office has reviewed the draft map and geographic description submitted for the reorganization and has confirmed the definiteness and certainty of the boundaries. The reorganization would not create islands or corridors of unincorporated territory.

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

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The proposal involves annexation of unincorporated territory to the City of Escondido and 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.**

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Escondido has adopted General Plan designations for the affected territory as Estate II, and zoning as Residential Estates (RE-20) and Planned Development-Residential (PD-R). The City’s land use and zoning designations provide for single-family residential development of up to two dwelling units per acre (du/ac) with a 20,000 square foot minimum lot size. As submitted, the proposed reorganization area is consistent with the Escondido General Plan and the City’s conditional development approvals.

**i) The sphere of influence of any local agency applicable to the proposal.**

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See analysis for Factor C.

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

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Staff provided notice of the reorganization to all subject agencies and other interested agencies as required under LAFCO law. The following agencies provided comments.

- County Planning and Development Services provided comments in a letter dated July 18, 2018 regarding flood control and the Sheriff's Department. The County comments recommended Escondido coordinate with the County Public Works and the Flood Control District regarding existing County-maintained drainage facilities at the northwest corner and along the western boundary of the affected territory. The County comments also requested LAFCO work with Escondido and the County to annex unincorporated islands within the City that cause jurisdictional confusion for emergency service responses.
- County Department of Environmental Health (DEH) provided comments in a letter dated August 17, 2018 regarding their review of the development project's grading plans and supporting geotechnical information. DEH comments conclude that the proposed project and associated grading operations will not significantly impact the existing septic systems located adjacent to the site.
- Escondido provided comments in a letter dated August 17, 2018 regarding the concurrent detachment of the affected territory from the Deer Springs FPD. The letter stated that Escondido would object to retention of the affected territory within the FPD following its reorganization with the City.

**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.**

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Escondido proposes annexation of the affected territory and has stated that the City has sufficient revenues to provide services to the area. According to Escondido's comprehensive annual financial report (CASR) for the fiscal year ending June 30, 2017, the assets plus deferred outflows of the City exceeded its liabilities plus deferred inflows of the City by \$417,875,475 (net position). The City's total government-wide net position increased by \$23,642,551 million in the current year, a 6.0 percent increase. At the close of the current fiscal year, the City's governmental funds reported combined ending fund balance of \$117,877,941, an increase of \$13,084,213 in comparison with the prior year. At the end of the current fiscal year, fund balance committed to Reserves in the General Fund was \$17,921,319 or 19.7 percent of General Fund expenditures. The positive financial position and adequate reserves demonstrate that Escondido has sufficient revenues to provide services to the affected territory.



Escondido has stated that the proposed reorganization includes a private development project that will require payment of all applicable impact fees as conditioned, excepting \$100,000 in deficiency fee credits included in the proposed development agreement. All residences connected to the Escondido wastewater system will pay applicable service charges and fees for the service. The extension of Escondido wastewater service to the proposal area will not adversely impact existing ratepayers and the City appears to have sufficient revenues to serve the affected territory.

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

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The affected territory already lies within the Rincon Del Diablo Municipal Water District with the three developed subject parcels having already established service. The remaining two subject parcels within the affected territory subject to the North Avenue Estates project will require making connection payment to Rincon Del Diablo Municipal Water District to establish service.

**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.**

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The reorganization involves the development of 34 single-family residences that would be subsequently offered for sale at market rates. No affordable housing component is included with the Escondido development approvals for the affected territory. Therefore, the proposal would not affect Escondido in achieving their fair-shares of the regional housing needs allocation (RHNA) as determined by the State Department of Housing and Community Development (HCD) and the region's council of governments, the San Diego Association of Governments (SANDAG).

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

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The affected territory is uninhabited as defined LAFCO law (11 registered voters or less). All affected landowners support the annexation as witnessed by their signature of a consent form. No other comments were received from the landowner or owners, voters, or residents of the affected territory prior to preparation of this appendix.

**o) Any information relating to existing land use designations.**

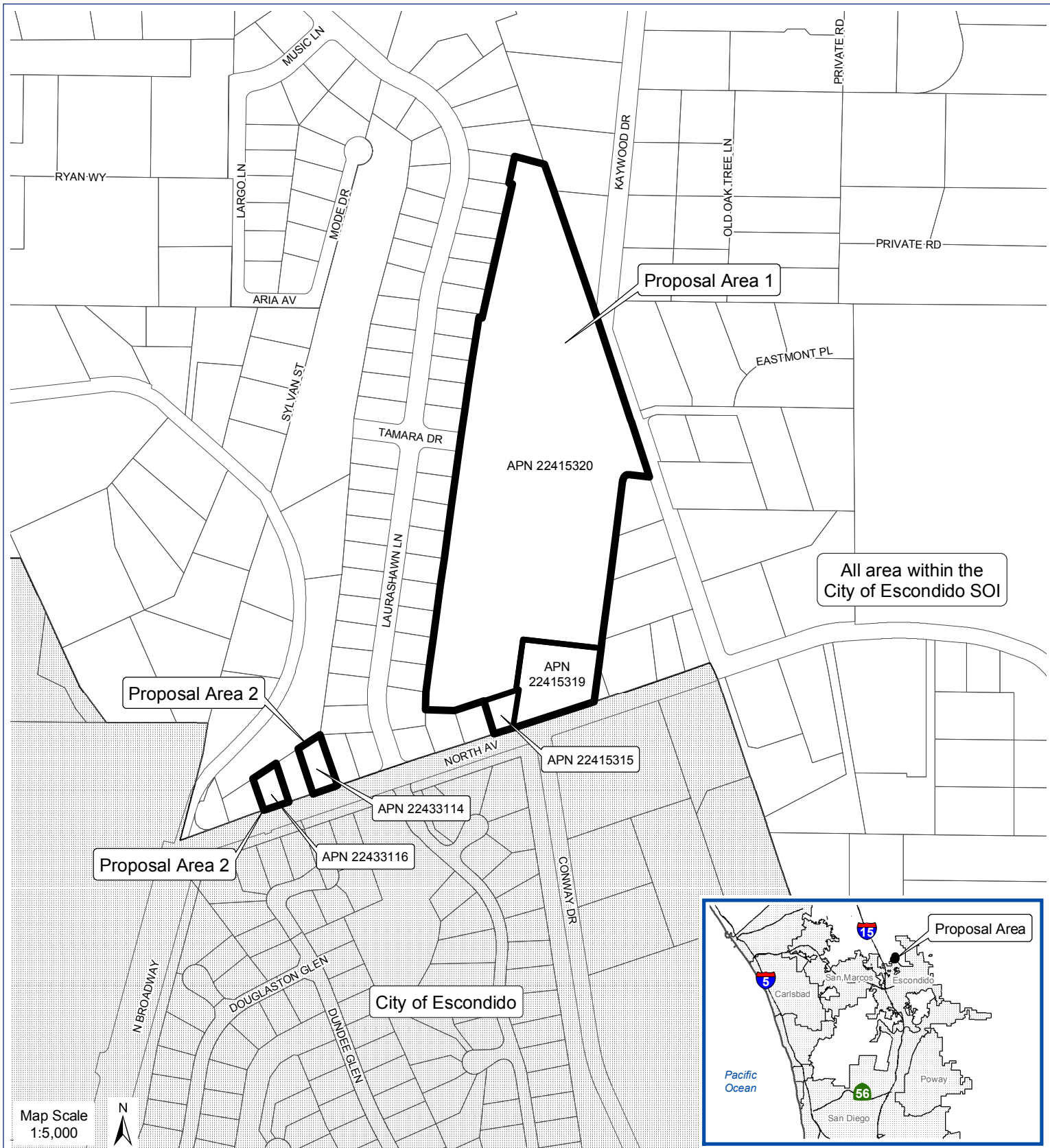
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See analysis for Factor H.

- 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.**

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The reorganization involves annexation of five unincorporated parcels presently located within the adopted sphere of influence for Escondido. Two of the subject parcels are undeveloped and subject to a development approval. The other three subject parcels are all developed with single-family residences and are connected to the Escondido municipal wastewater system via LAFCO-approved contractual service agreements between the respective landowner and the City due to failures of their respective septic systems. The affected territory is not located within an area that is designated by LAFCO as a disadvantaged unincorporated community (with an annual median household income 80% or less than the statewide annual median). There is no documentation to suggest the reorganization will promote or discourage environmental justice in regards to 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.





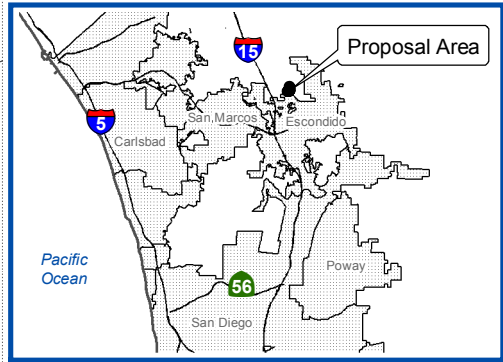
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RO18-06  
RO13-04  
RO13-39  
RO15-15

**PROPOSED "NORTH AVENUE ESTATES REORGANIZATION"  
(CITY OF ESCONDIDO)**

-  Proposal Area
-  City of Escondido
- SOI = Sphere of Influence



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San Diego Local Agency Formation Commission

**Chair**

Jo MacKenzie, Director  
Escondido Irrigation District

**MEMORANDUM**

October 1, 2018

**Vice Chair**

Ed Sprague, Director  
Olivenhain Municipal Water

**TO:** San Diego Commissioners

**Members**

Catherine Blakespear, Mayor  
City of Encinitas

**FROM:** Robert Barry, Chief Policy Analyst

Bill Horn, Supervisor  
County of San Diego

**SUBJECT: Proposed “North Avenue Estates Reorganization” (RO18-06) |  
Written Comments Received: Affected Agencies - Adjacent  
Landowners | Additional Proposal Background | Deer Springs  
Fire Protection District Detachment Opposition**

Dianne Jacob, Supervisor  
County of San Diego

Andrew Vanderlaan  
Public Member

Bill Wells, Mayor  
City of El Cajon

Lorie Zapf, Councilmember  
City of San Diego

**Alternate Members**

Lorie Bragg, Councilmember  
City of Imperial Beach

Chris Cate, Councilmember  
City of San Diego

Greg Cox, Supervisor  
County of San Diego

Judy Hanson, Director  
Leucadia Wastewater District

Harry Mathis  
Public Member

**Executive Officer**

Keene Simonds

**Counsel**

Michael G. Colantuono

The San Diego Local Agency Formation Commission (LAFCO) will consider the above-referenced reorganization proposal filed by resolution of the City of Escondido involving annexation of approximately 17.94 acres of unincorporated territory located within its sphere of influence. The affected territory was subject to a previous reorganization proposal filed by resolution of the City of Escondido in 2006. This memorandum provides additional background on the previously-submitted proposal and discussion regarding changes to the project approved by Escondido in 2018 for the re-submitted proposal. LAFCO has received written comments from affected agencies and adjacent landowners in regards to the proposed reorganization. The received correspondence is summarized below with staff discussion regarding cited issues and concerns. The primary purpose of the proposed reorganization is to extend City services to facilitate the proposed 34-unit single-family residential development known as “North Avenue Estates” (SUB0007-18). The proposed reorganization includes concurrent detachments of the affected territory from the Deer Springs Fire Protection District (FPD) and County Service Area (CSA) No. 135 (Regional Communications) as Escondido would assume responsibility for the associated provision of structural fire protection, emergency medical services, and emergency communications services. Deer Springs FPD has been engaged in discussions with the landowner/developer of the project regarding the detachment of the proposal area. While no formal position on the detachment has been submitted to LAFCO from Deer Springs FPD, the memorandum concludes with a summary of the discussions between the landowner and the FPD.

## WRITTEN COMMENTS RECEIVED

Following submittal of the reorganization application, staff provided notice of the proposal to all subject agencies and other interested public agencies as required under LAFCO law. Through September 20<sup>th</sup>, LAFCO received 3 distinct written comments from affected agencies and 11 from interested parties during the course of processing the reorganization proposal filed by Escondido. (Total does not include processing and/or otherwise procedural inquiries). Copies of all comment letters are attached. Summaries of the comments with brief staff responses are provided below.

## AFFECTED AGENCIES

### Comment Letter No.1 |

#### County of San Diego, Department of Planning and Development Services

The County of San Diego Department of Planning and Development Services provided comments in a letter dated July 18, 2018 regarding flood control and the Sherriff's Department. The County comments recommended Escondido coordinate with the County Department of Public Works, Flood Control District (FCD) regarding existing County-maintained drainage facilities at the northwest corner and along the western boundary of the proposal area. The County comments also requested LAFCO work with Escondido and the County to annex unincorporated islands within the City that cause jurisdictional confusion for emergency service responses.

#### Staff Response:

Information noted. The Escondido development approvals for the affected territory includes improvements intended to benefit the local storm water collection and drainage. Unincorporated islands located within Escondido will be evaluated by LAFCO as part of the City's service and sphere review scheduled for later in the current fiscal year.

### Comment Letter No.2 | City of Escondido

The Escondido City Manager provided comments in a letter dated August 17, 2018 regarding the concurrent detachment of the affected territory from the Deer Springs FPD. The letter stated that Escondido would object to retention of the affected territory within the FPD following its reorganization with the City. The City Manager notes that Escondido Fire Station No. 3 (Nutmeg Road) is closer to the site than the nearest FPD station and that the City is responsible for all fire protection and emergency medical services within its territory. The letter also stated that the City does not support the imposition of a detachment fee by the FPD for the affected territory because the annexation would reduce the FPD's fire protection responsibilities and expenses. Additional correspondence from the landowner's representative regarding negotiations with the FPD is included.

Staff Response:

Information noted. Additional discussion regarding the Deer Springs FPD detachment follows below.

**Comment Letter No.3 | County of San Diego, Department of Environmental Health**

The County Department of Environmental Health (DEH), Land and Water Quality Division provided comments in a letter dated August 17, 2018 regarding their review of the development project's grading plans and supporting geotechnical information. The DEH comments conclude that the proposed project and associated grading operations will not significantly impact the existing septic systems located adjacent to the site.

Staff Response:

Information noted. Additional discussion regarding the geotechnical study and DEH review follows below.

**ADJACENT LANDOWNERS**

**Comment Letter No.1 | Kim Lunde**

This correspondence was received by email dated June 15, 2018 from Kim Lunde, resident at 3044 Kaywood Drive. The correspondence states opposition to the property being included within the proposal territory and questions how the proposal will affect the residence.

Staff Response:

Information noted. The submitted proposal area does not include the subject property and the proposal is not expected to affect the existing residence. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letter No.2 | Jayson Knack**

This correspondence was received by email dated June 15, 2018 from Jayson Knack, resident at 2934 Laurashawn Lane. The correspondence states concerns with local groundwater levels, the project's proposed 12.5' buffer area, and community character. The comments include requests for LAFCO conditions. One requested condition would be to re-establish Escondido's 3-party engineering condition regarding connecting impacted residences to the City's wastewater system. An additional condition was requested to remove the clustering of residences within the development.

Staff Response:

Information noted. The submitted geotechnical information for the proposal area addresses the likelihood of impacts to the adjacent properties' septic systems and concludes that no impacts would occur. This no-impact conclusion was supported by review of the County DEH. Per Government Code Section 56375, the Commission may

not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements. The Escondido development approvals include environmental review of the proposed development and a Mitigation Monitoring and Reporting Program (MMRP) has been approved to reduce any identified impacts to less than significant levels. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

### **Comment Letter No.3 | Mike Joslin**

This correspondence was received by email dated July 6, 2018 from Mike and Candy Joslin, residents of Laurashawn Lane. The correspondence notes historic experiences with local flooding and high groundwater conditions and emphasizes concerns with drainage from the project.

#### Staff Response:

Information noted. The developer will be responsible for installation of drainage improvements for the site and the City has concluded that the improvements will help the local collection and discharge of stormwater drainage to reduce. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

### **Comment Letter No.4 | Toni Clem**

This correspondence was received by email dated July 7, 2018 from Toni Clem, resident of 714 North Avenue. This property is located within the affected territory and is currently connected to the Escondido wastewater system via contractual service agreement due to a failed or failing septic system. The correspondence notes historic experiences with local flooding and high groundwater conditions and emphasizes concerns with drainage and traffic generated from the project.

#### Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

### **Comment Letter No.5 | Connie Braun (North Avenue Homeowners)**

This correspondence was received by email dated July 8, 2018 from Connie Braun, resident of Laurashawn Lane, representing a group of local property owners known as the North Avenue Area Homeowners. The correspondence notes historic experiences with local flooding and high groundwater conditions and emphasizes concerns with drainage and construction-related impacts from the project. The correspondence questions the accuracy of the submitted geotechnical report due to the draught condition causing abnormally low groundwater conditions compared to historical and anecdotal information. A table was



provided that includes monitoring data on the distance to the top of groundwater from a water table monitoring location at 2942 Laurashawn Lane. The monitoring data covers April 16, 2016 to January 21, 2018. The data indicates that the depth of the local water table decreased from 13' to 5' between April 2016 and March 2017, and then increased to a depth of 9' by January 2018. The correspondence concludes with two requests: that the geotechnical data be revised to reflect the variations observed in the local water table depth; and that LAFCO adopt a condition of approval that will provide clear responsibility for addressing any project-related impacts to the adjacent properties.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letter No.6 | Rod Jones**

This correspondence was received by email dated July 8, 2018 from Rod Jones, resident of 3112 Laurashawn Lane. The correspondence notes historic experiences with local flooding and high groundwater conditions and emphasizes concerns with drainage from the project, local traffic conditions, and Escondido responsibilities for the local area and residents.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letter No.7 | Connie Braun**

This correspondence was received by email dated July 9, 2018 from Connie Braun, resident of 3024 Laurashawn Lane. The correspondence notes historic experiences with local flooding and high groundwater conditions and emphasizes concerns with drainage from the project.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letters No.8 & No.9 | Kathy Jones**

The correspondence was received by email dated July 9<sup>th</sup> and July 10<sup>th</sup>, 2018 from Kathy Jones, resident of 3112 Laurashawn Lane. The correspondence notes historic experiences with high local groundwater conditions at 2942 Laurashawn Lane and emphasizes previous DEH engineering concerns with the property's septic system and leach field.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letter No.10 | Jayson Knack**

This correspondence was received by email dated July 24, 2018 from Jayson Knack, resident of 2934 Laurashawn Lane. The correspondence notes historic experiences with high groundwater conditions and emphasizes concerns with the findings of the submitted geotechnical study and Escondido's removal of development conditions related to potential septic impacts.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**Comment Letter No.11 | Leonard Kurka**

This correspondence was received by email dated July 6, 2018 from Leonard Kurka, resident of Laurashawn Lane. The correspondence notes historic experiences with local flooding and emphasizes concerns with Escondido's removal of development conditions related to potential septic impacts.

Staff Response:

Information noted. Please refer to the response to correspondence no. 2. Additional discussion regarding the proposal background and issues of concern by the adjacent property owners follows below.

**PREVIOUS PROPOSAL BACKGROUND**

**“North Avenue Estates Reorganization” (2006) | RO06-18**

In 2006, the City of Escondido conditionally approved a 39-lot Tentative Subdivision Map (TR-916) titled as “North Avenue Estates” involving approximately 17.2 acres within the presently proposed reorganization area. The City's 2006 development approvals included a Master and Precise Development Plan for 34 single-family residences, rezoning and annexation of the project area, and certification of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) (ER2005-12) for the development and reorganization. Following the City's approvals, the previously proposed "North Avenue Estates Reorganization" (Ref. No. RO06-18) was submitted to LAFCO in June 2006 by resolution of the City of Escondido. A number of unincorporated landowners immediately adjacent to the west of the proposed development sent letters to LAFCO

voicing concern and opposition to the proposed reorganization. The adjacent landowners have stated that the local high groundwater conditions would be affected by the construction grading and negatively impact their existing septic systems. The adjacent unincorporated properties are each developed with one single-family residence on approximately 10,000 square foot lots (4.3 du/ac). The residences utilize underground septic disposal systems with little available lot space for leach field repair or expansion.

In response, Escondido's TR-916 development approvals included a condition addressing the potential for adjacent septic system impacts. The City's condition required a 3-party consensus agreement of the City engineer, the County Department of Environmental Health (DEH), and an engineer representing the developer that a construction-related impact to an adjacent septic system had occurred. If the 3-parties agreed that a development-related impact had compromised the affected septic system, the developer would be responsible for connecting the impacted property to the City's sewer system. However, the adjacent landowners were not satisfied with the City's condition and requested LAFCO provide additional assurance of potential remediation if the proposed development and reorganization negatively impacted their existing residences.

The previously submitted "North Avenue Estates Reorganization (RO06-18) proposal was heard and conditionally approved by LAFCO at a continued public hearing in August 2008. Mindful that any adjacent septic impacts would likely require subsequent LAFCO review and approval for contractual service agreement connection or annexation to the City, LAFCO staff recommended the Commission approve the reorganization with conditions. The recommended LAFCO condition of approval identified the County DEH as the appropriate regulatory entity to determine the failed or failing status of any impacted septic systems and evaluate the subject parcel's ability to accommodate septic repair or expansion. The recommended condition also identified the annexing City as the responsible party for determining the need to facilitate a remedial connection to the City's wastewater system due to construction-related impacts to an adjacent property. In response to the LAFCO condition of approval for the reorganization, Escondido declined to complete the necessary final documentation to record the Commission's approval. Escondido stated that it declined to accept the LAFCO septic impact condition of approval for the reorganization because it would expose the City to unacceptable liability for potential septic impacts within an undetermined period of time.

Per Government Code Section 57001, a proposal has 12 months from the Commission's approval to complete the recordation process and become effective or the proposal will be terminated as abandoned unless extended by request and approval of the Commission. On July 10, 2009, LAFCO granted a one year time extension to complete the proceeding for the pending reorganization, to allow the applicant additional time to coordinate with the City on a potential solution. On September 17, 2010, the proposal proceeding was accordingly deemed terminated.

## Currently Proposed “North Avenue Estates Reorganization” 2018 | RO18-06

In 2016, the landowner/developer submitted revised development plans for TR-916 to the City of Escondido with a new request for annexation of the project area. In January 2018, the City approved a revised Tentative Subdivision Map (SUB 17-0007), certified an Addendum to the previously-certified MND (ENV17-0011), and adopted a resolution of application to annex the project area. The City’s previously-approved MND for TR-916 was determined to still be sufficient for the revised SUB 17-007 project. Under provisions of the California Environmental Quality Act (CEQA), the City would be required to update the 2005 MND if the changes to the project would potentially lead to significant environmental impacts. The City determined that the changes to the proposed project would reduce any potential impacts and that an Addendum to the MND would be the appropriate environmental document. The Addendum to the MND is discussed in more detail below.

As submitted, the proposed reorganization area now includes five unincorporated parcels spanning to non-contiguous areas presently located within the adopted sphere of influence for Escondido. Two of the subject parcels are undeveloped and subject to a development approval as detailed in the succeeding sections. These two parcels are identified as 224-153-19 and 224-153-20 and are approximately 1.25 acres and 16.48 acres in size, respectively. The other three subject parcels are all developed with single-family residences and located at 632, 644, and 714 North Avenue. The three developed parcels are connected to the Escondido municipal wastewater system via LAFCO-approved contractual service agreements between the respective landowner and the City<sup>1</sup>.

The contractual service agreements between Escondido and the landowners were each previously granted by LAFCO in response to a documented failure or impending failure of the subject parcel’s septic system. Inclusion of the three developed properties within the proposed reorganization with Escondido will complete the annexations anticipated by the Commission’s previous approvals for the contractual wastewater service agreements with the landowners.

The City of Escondido has adopted General Plan designation for the proposal area is Residential Estates and the City’s rezoning designations are RE-20 for the three developed parcels, and PD-R 1.97 for the two undeveloped parcels that are subject to SUB 17-007. The Estate designation accommodates detached single-family homes on large lots and applies to areas that are on the edge of urban development or in areas that are already characterized by an estate development pattern. Development clustering is permitted pursuant to General Plan Residential Clustering policies. The City’s land use and zoning designations for the affected territory provide for residential development of up to two dwelling units per acre (du/ac) with a 20,000 square foot minimum lot size. The developed parcels would be considered legal non-conforming lots by the City.

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<sup>1</sup> LAFCO Ref. Nos. OAS/RO13-09; OAS/RO13-39; and OAS/RO15-15

## SUB 17-007 Revisions to TR-916

Among the City's approved SUB 17-007 revisions to TR-916 is the addition of a 12.5-foot wide "buffer area" between the western edge of the residential development and the adjacent unincorporated properties on the east side of Laurashawn Lane. The inclusion of the buffer area is intended to ensure that the project construction will not impact the existing septic systems of the adjacent unincorporated properties. Following requests by LAFCO for additional data supporting the efficacy of the proposed buffer area as mitigation for any potential septic impacts, the landowner/developer provided a geotechnical study for the project area produced by a licensed geoengineering firm. The determination of the geotechnical study was that the underlying groundwater in the general project area flows to the south-southwest towards Laurashawn Lane and away from the adjacent SUB 17-007 development area. The study concluded from the implied groundwater flow direction that the existing Laurashawn septic systems are not utilizing the adjacent development project area to the east as an extended leach field. This conclusion supports the City's determination that the proposed 12.5' buffer area would provide sufficient space between the existing septic systems and the project grading to avoid any potential for impacts.

Therefore, as part of the approvals for the revised SUB 17-007, the City removed the TR-916 project's 3-party engineering condition requiring the developer to finance the connection of any impacted adjacent properties to the City's wastewater system. The City's 2018 approval for SUB 17-007 included the following amended grading condition: *"Due to the location of existing leach fields for the properties on the east side of Laurashawn Lane and along the westerly project boundary, the project's final grading design shall provide adequate set back from this westerly project boundary (as shown conceptually on the Tentative Map) to incorporate County Health Department Standards and the recommendations of the Geotechnical Engineer all to avoid impact to the existing leach fields during project grading to the satisfaction of the City Engineer. Any proposed grading work in the setback area shall be limited to minor grading to establish proper drainage flow and provide surfacing to the requirements of the City Engineer. No excavation shall take place in the setback area as part of the project grading or in the future by the home owners. The project CC&R's shall ensure maintenance of the setback area by the HOA or designee and shall prohibit any excavation within the setback area that could impact the leach fields of the westerly neighboring properties."*

An unrepairable local septic system would likely require LAFCO approvals for connection of the property to the Escondido wastewater system as a permanent solution for the health and safety emergency affecting the subject residents. As the proposed reorganization area includes three developed properties with previously-failed septic systems, it can be seen that many of the local unincorporated properties presently developed with septic systems on small lots may have a propensity for failure due to the local conditions and circumstances. Accordingly, Escondido's 2012 Wastewater Master Plan identifies the local area within its planned future wastewater service territory for the horizon date of 2030. This inclusion of the local area within Escondido's long-term wastewater infrastructure and

service planning is consistent with the area's inclusion within the City's sphere of influence.

While Escondido's amended grading condition acknowledges the location of the existing adjacent leach fields, the condition does not identify a process for either determining construction-related impacts or securing connection to the City's wastewater system if it is determined that construction-related impacts have occurred and the impacted septic system cannot be repaired or expanded. Therefore, the Commission may wish to discuss and consider if the City's amended development approvals provide adequate assurance that the proposed reorganization will not have negative effects on the adjacent areas, as discussed in Appendix A.

### Department of Environmental Health Review

To assist LAFCO's evaluation of the project modifications and submitted geotechnical information, the County Department of Environmental Health reviewed the determinations and conclusions of the site study. In a letter dated August 17, 2018, DEH staff concurred with the study's conclusions that the proposed development would not impact the existing septic systems adjacent to the site, and stated that, *"After review of the plans, technical documents, and prior correspondence DEH staff have concluded that no significant impacts exist to the adjacent properties' onsite wastewater treatment systems from the proposed grading, cuts and fills, storm water management, or other relevant features of the development."*

In light of the submitted geotechnical site data and concurrence by the County DEH with the determination that no impacts will occur to the adjacent septic systems from the proposed development, the staff conclusion is that Commission approval of the proposed reorganization is appropriate without additional conditions regarding potential septic impacts. It should be noted that the surrounding unincorporated area includes many developed parcels with similar physical constraints affecting the long-term sustainability of their existing septic systems. The City conducted a survey of the adjacent property owners to gauge their willingness to be annexed to the City and survey the current functional status of their respective septic system. The results of the survey were deemed inconclusive, with limited support for annexation without identification of specific improvement and connection costs to be borne by the annexing property owners.

As the local unincorporated area is within the Escondido sphere of influence, and the City is the only available local public wastewater service provider, it can be seen that the long-term residential uses of these developed properties are likely to require future provision of City wastewater services. Accordingly, staff recommends that the Commission's scheduled review of the City's municipal services and adopted sphere should include evaluations of the long-term service planning for the projected needs of the unincorporated territory located within the sphere. These service and sphere evaluations should include discussions of the opportunities and constraints for the City to extend wastewater services to existing, proposed, and projected development within the sphere.

## DEER SPRINGS FPD DETACHMENT OPPOSITION

LAFCO has received correspondence as noted above from the Escondido City Manager regarding potential opposition from the Deer Springs FPD to the concurrent detachment of the affected territory. The City Manager's letter stated that Escondido would object to retention of the affected territory within the FPD following its reorganization with the City. The City Manager notes that Escondido Fire Station No. 3 (Nutmeg Road) is closer to the site than the nearest FPD station and that the City is responsible for all fire protection and emergency medical services within its territory. The letter also stated that the City does not support the imposition of a detachment fee by the FPD for the affected territory because the annexation would reduce the FPD's fire protection responsibilities and expenses.

As discussed in Appendix A, Escondido would assume fire protection and emergency medical responsibilities for all five subject parcels comprising the affected territory from the Deer Spring FPD following annexation to the City. Escondido's closest fire station is located at 1808 North Nutmeg Street (Station No. 3). This station – which is one of seven stations in Escondido – houses one paramedic fire engine and one wildland brush engine and staffed 24 hours. It is approximately 2.8 miles from the affected territory. Analysis performed by Escondido in reviewing the underlying development project identified response times from Station No. 3 to the affected territory would meet the 7.5-minute response standard established in the City General Plan.

At this time, staff is aware of an item regarding the proposed detachment that was heard by the Deer Springs FPD Board on September 12, 2018. However, no formal position on the detachment has been submitted from the FPD. The attorney for the landowner/developer forwarded correspondence on September 20, 2018 that describes discussions with the FPD regarding the detachment, potential retention of the affected territory with the FPD, and a potential detachment fee to be paid to the district to remove any opposition regarding the loss of property tax revenues. The correspondence reports that the landowners have offered the FPD a one-time detachment fee of \$25,000 contingent on the district's consent to the detachment, which was declined. The Board indicated to the landowner that the opposition to the detachment was declined due to objections regarding detachments associated with city annexations and not in regards to the offered amount. The correspondence states that the FPD Board President and Fire Chief will appear at the October 1<sup>st</sup> LAFCO hearing on the item hearing to formally submit the Board's objection to the associated detachment.

**San Diego LAFCO**

October 1, 2018 Regular Meeting

Agenda Item No. 11 | North Avenue Estates Reorganization (City of Escondido)

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RESOLUTION NO. 2018-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE EXTENSION AND REVISION OF A TENTATIVE SUBDIVISION MAP FOR THE NORTH AVENUE ESTATES PROJECT, AND APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR THE INITIATION OF PROCEEDINGS FOR THE ANNEXATION/REORGANIZATION OF NORTH AVENUE ESTATES AND THREE ADDITIONAL PARCELS TOTALING APPROXIMATELY 17.72 ACRES

CASE NOS.: SUB 17-0007, PHG 17-0034, and ENV 17-0011

WHEREAS, Casey Johnson, for North Avenue Estates ("Applicant"), submitted an application to extend and revise a Tentative Subdivision Map (formerly known as Tract 916-R and currently known as SUB 17-0007), and a Master Development Plan and Development Agreement for a 34-lot single-family residential development on a site approximately 17.2 acres in size, on property located to the north of the City, along the north side of North Avenue, between Laurashawn Lane and Kaywood Drive. The Applicant also requested a jurisdictional reorganization consisting of an annexation of the residential development site and three (3) additional parcels to the City of Escondido, and concurrent detachment from County Service Area 135. The three additional parcels are addressed as 632 North Avenue (APN 224-331-16; 0.23 acre), 644 North Avenue (APN 224-331-14; 0.29 acre), and 714 North Avenue (APN 224-153-15; 0.23 acre) are located on the north side of North Avenue, on either side of Laurashawn Lane; and

WHEREAS, said residential development site, known as North Avenue Estates, and the three (3) additional parcels to be annexed are legally described in "Exhibit A to Ordinance No. 2018-02;" and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 17-0007, PHG 17-0034, and ENV 17-0011 in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

WHEREAS, the Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for November 28, 2017, at which interested persons were given the opportunity to appear and present their views with respect to said proposed Project actions. Following the public hearing on November 28, 2017, the Planning Commission adopted Resolution No. 6107, which recommended that the City Council, among other things, approve the Extension and Revision of the Tentative Subdivision Map and Annexation request; and

WHEREAS, an original copy of the proposed Tentative Subdivision Map and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which

documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act; and

WHEREAS, the City Council did on January 10, 2018, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

a) Written information including all application materials and other written and graphical information.

b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated January 10, 2018, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing; and

WHEREAS, the City Council has reviewed the request for the Extension and Revision of the Tentative Subdivision Map and the Annexation, and reviewed and considered the recommendation from the Planning Commission; and

WHEREAS, pursuant to the California Environmental Quality Act, an Addendum to an Amended Initial Study and Mitigated Negative Declaration (City Log No. ER 2005-12) was prepared and the City Council has adopted it, along with the Mitigation Monitoring and Reporting Program per City Council Ordinance 2018-02; and

WHEREAS, Ordinance No. 78-2, enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido; and

WHEREAS, on January 10, 2018, the City Council approved a Master

Development Plan, a Development Agreement, and a Prezone of 632 and 644 North Avenue per Ordinance No. 2018-02, to implement the lot clustering shown on the Revised Tentative Subdivision Map, impose Deficiency Fee Payments for the new lots as required by the Citywide Facilities Plan for new development in the North Broadway Region of Influence, and enable the annexation of 632 and 644 North Avenue; and

WHEREAS, this City Council hereby approves said Extension and Revision of a Tentative Subdivision Map as reflected in the staff report(s) and on plans and documents on file in the Office of the City Clerk, and adopts the Addendum to the Amended Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgment and after fully considering the totality of the record and evidence described and referenced in this Resolution, hereby declares:

1. That the foregoing recitations are true and correct and are incorporated herein by this reference as though set forth in full.

2. That the Findings of Fact/Factors to be Considered, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, are hereby made by this City Council, and represent the City Council's careful consideration of the record. The findings of this City Council shall be the final and determinative Findings of Fact on this matter.

4. That upon consideration of the Findings/Factors to be Considered, all material in the January 10, 2018 City Council staff report (a copy of which is on file with the Office of the City Clerk), public testimony presented at the hearing, and all other

oral and written evidence on this Project, this City Council approves the Extension and Revision of the Tentative Subdivision Map, subject to the Conditions of Approval in Exhibit "B," " and incorporated herein by this reference as though fully set forth herein.

5. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed before the expiration of the Development Agreement authorized under Ordinance No. 2018-02, unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code. Copies of said Ordinance is on file with the Office of the City Clerk and are incorporated herein by this reference as though fully set forth herein.

6. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the January 10, 2018 City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Resolution shall become effective and operative only if City Council Ordinance No. 2018-02 is approved; and effective and operative on the day immediately subsequent to the date that Ordinance 2018-02 becomes effective.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development Department and Public Works Department. The project is

also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 10<sup>th</sup> day of January, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, ABED

NOES : Councilmembers: NONE

ABSTAIN : Councilmembers: MASSON

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

RESOLUTION NO. 2018-01

## EXHIBIT A TO RESOLUTION 2018-01

### FINDINGS OF FACT/FACTORS TO BE CONSIDERED

**Revised Tentative Subdivision Map Determinations:**

1. The City Council makes the finding that none of the findings (a) through (g) below in Section 66474 of the California Government Code that require a City to deny approval of a Tentative Subdivision Map apply to this Project for the reasons stated as follows:

Findings for Tentative Map Approval	Explanation of Finding
<p>A. That the proposed map is consistent with applicable general and Specific Plans as specified in Section 65451 of the Subdivision Map Act.</p>	<p>The project site is not included in any Specific Plans. The proposed revised tentative map is consistent with the maximum density of two (2) dwelling units/acre permitted by the Estate II designation of the General Plan, and each lot exceeds the minimum 10,000 SF size required per the clustering provisions of the General Plan. The zoning of the development site has already been changed to PD-R-1.97 to accommodate the proposed density.</p>
<p>B. That the design or improvement of the proposed subdivision is consistent with applicable general and Specific Plans.</p>	<p>The project site is not included in any Specific Plans. The proposed subdivision provides for clustering of 34 single-family residential lots, as well as five open space lots providing green space, stormwater detention, protection of an aqueduct right-of-way, and separation of new lots from existing properties. Public sewer and water services would be provided to the subdivision upon annexation, via connections to lines in North Avenue (the existing water main would be extended to allow this). The proposed project density is consistent with the rezoning of the development site, as well as the Estate II designation of the General Plan.</p>
<p>C. The Project site is physically suitable for the proposed type of Project.</p>	<p>The project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Addendum to an Amended MND), and as appropriate, the Addendum recommends measures to mitigate potential impacts.</p> <p>The residential development site is physically suited for this type of development since the Project is located on property that is surrounded by residential uses at a relatively similar size and scale. The location, access, density/building intensity, size and type of uses proposed in the Tentative Subdivision Map are compatible with the existing and future land uses in the surrounding neighborhood because this is an infill site that lends</p>



	<p>itself to the proposed type and density of development. Adequate access and utilities can be provided to the site. The proposed grading design would not result in any manufactured slopes or pad that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The site has a gradual downhill slope in a north to south direction. Grading of 24,000 cubic yards of cut and 24,000 cubic yards of fill is proposed, and the project has been conditioned to require submittal and City review of grading plans, and issuance of a grading permit, prior to development.</p> <p>The site has been rezoned PD-R-1.97, to allow a development with a maximum density of 1.97 units/acre. The project would be consistent with the development standards of the Residential Development policies and goals in the General Plan (upon annexation).</p>
<p>D. That the site is physically suitable for the proposed density of development.</p>	<p>The granting of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan.</p> <p>The proposed revised tentative map is consistent with the maximum density of two (2) dwelling units/acre permitted by the Estate II designation of the General Plan. Lot sizes and open space quantities exceed the amount required by Estate II development standards and Residential Clustering Policy 5.1 of the General Plan. The design of the proposed subdivision is consistent with the Zoning Code since the site has been rezoned PD-R-1.97. The proposed lot sizes are consistent with residential development in the surrounding area.</p>
<p>E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.</p>	<p>The design of the revised tentative map and improvements are not likely to cause substantial environmental problems or substantially and avoidably injure fish or wildlife or their habitat as detailed in the Amended MND (City Log No. ER 2005-12) and the Addendum to the Amended MND. Removal of coast live oak, mule fat scrub, and non-native grassland shall be compensated via mitigation through the Daley Ranch Mitigation Bank as described in the proposed mitigation measures, and the project is conditioned to require the replacement of oaks and ornamental trees removed by the project.</p>
<p>F. That the design of the subdivision or the type of improvements is not likely to cause serious public health concerns.</p>	<p>The design of the revised tentative map and the type of improvements are not likely to cause serious public health problems. The project would not degrade the levels of service on the adjoining streets, as described in the Amended Negative Declaration and Addendum to the Amended MND. Stormwater and drainage facilities are proposed in accordance with current requirements. The</p>

	<p>applicant has obtained the professional opinion of a geotechnical engineer that the proposed grading will not impact septic systems on adjoining properties, but as an extra level of assurance, has proposed a 12.5'-wide open space buffer along the rear property lines of Lots 1-6, 19-30, and the east and north sides of Lot 34 to keep development away from these properties. Sewer and water service are available or can be provided with minor extension of nearby facilities.</p>
<p>G. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.</p>	<p>The design of the revised tentative map and type of improvements will not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed map. This was based on review of all available maps and a preliminary title report submitted by the applicant. Neither the City of Escondido, nor its employees assume any responsibility for the completeness or accuracy of these documents. An aqueduct right-of-way owned by the San Diego County Water Authority occupies a portion of the development site. The Water Authority has reviewed the project and provided comments that have been incorporated into the project design. The project has been conditioned to require the applicant to obtain Water Authority review and approval of grading, improvement, and landscape plans prior to City approval of the Final Map.</p>

2. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including interconnected street system, pedestrian connectivity, and sufficient open space and landscaping. The conditions of approval and subsequent design review of future residential development would ensure consistency with all standard requirements. All permits and approvals applicable to the proposed map pursuant to Escondido Zoning Code will be obtained prior to recordation of the map.
3. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

**Annexation Determinations:**

1. The proposal conforms to the annexation policies established in the Escondido General Plan Land Use and Community Form Element, which are intended to guide development to meet present and future needs, achieve a vibrant community, and enhance the character of Escondido.
2. The properties to be annexed (which include the residential development site and three nearby properties) are located within the Escondido Sphere of Influence and Escondido Planning Area. The three nearby properties have previously connected to public sewer, and signed Irrevocable Offers of Annexation at the time of connection, to confirm that they agree to annex to the City of Escondido.
3. The reorganization includes annexation to the City of Escondido and detachment from County Service Area No. 135 (San Diego Regional Communications System) and the Deer Springs Fire

Protection District. The City of Escondido Police Department and Fire Department, which serve areas to the immediate south of the project that are already within City limits, would assume responsibility for law enforcement and fire suppression duties. The development site and three additional properties to be annexed are located within the 7.5-minute emergency response time as called for in the General Plan. The City would provide sewer service to the proposed development site, and the three additional properties included in the annexation request have already connected to sewer service. The annexation would not introduce new service providers to the area or become a departure from the existing pattern of service delivery in this portion of Escondido.

4. Annexation of the development site and three nearby properties will not create an island of unincorporated territory as prohibited by Section 56744 of the Government Code.

## CONDITIONS OF APPROVAL

### Mitigation Measures

#### *Biological Resources*

1. Impacts to 0.29 acre of coast live oak woodland shall be mitigated at a 2:1 ratio through acquisition of 0.58 acre of coast live oak woodland at the Daley Ranch Mitigation Bank.
2. Impacts to 0.03 acre of mule fat scrub shall be mitigated at a 1:1 ratio through acquisition of 0.03 acre of woodland habitat at the Daley Ranch Mitigation Bank.
3. Impacts to 15.13 acres of non-native grassland shall be mitigated at a 0.5:1 ratio through acquisition of 7.57 acres of non-native grassland at the Daley Ranch Mitigation Bank.
4. Mitigation for impacts to the four protected coast live oak trees, the four mature coast live oak trees, one mature Engelmann oak tree, four oak hybrids, and the 178 mature ornamental trees will occur with the planting of at least 13 oak trees and 178 ornamentals within the project landscaping in the form of street trees throughout the project. The actual number and size of replacement trees as well as the planting location shall be determined through consultation with City staff and shall be specified in the project proponent's Development Agreement with the City. The habitat value of the oak trees is also being mitigated by the purchase of mitigation credits at the Daley Ranch Mitigation Bank.
5. A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to June 15). If active raptor nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances and proposed disturbance activities to determine an appropriate distance or temporal buffer.

#### *Cultural Resources*

1. The project applicant shall provide archaeological monitoring for the significant subsurface archaeological deposits that might be present on the parcel. These archaeological deposits may include privies, cisterns, trash deposit, and foundations. If archaeological features are encountered, the area shall be identified and the boundaries marked to avoid further ground disturbance. The archaeological remains should then be investigated using traditional excavation techniques and, if determined to have legitimate research potential, an adequate sample for analysis should be removed or, in the case of structural remains, documented. A budget to adequately analyze the material and prepare a professional report should be obtained and analysis and report preparation completed. Copies should be provided to the Escondido City Planning Department, the Pioneer Room of the Escondido City Library, and the Escondido Historical Society.

#### *Hazards and Hazardous Materials*

1. Prior to grading, on-site water wells shall be abandoned or removed in accordance with applicable laws and regulations.

2. Prior to grading, the trash/debris shall be removed from the site and disposed of in accordance with applicable laws and regulations.

General

1. Prior to issuance of any building permits, approval of a Precise Development Plan is required for the design and architecture of the proposed residences.
2. Maintenance of all open space areas shall be the responsibility of the homeowners association (HOA). Open space areas shall preclude construction of any improvements not shown on the Master Development Plan, to the satisfaction of the Community Development Director.
3. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and Fire Chief.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. Fire hydrant spacing and location must be approved by the Fire Department. The number, timing, and minimum GPM fire flow shall be coordinated with the Fire Chief. The applicant shall submit an updated Fire Protection Plan (FPP) for the development prior to the issuance of building permits.
6. The emergency access from Tamara Lane shall be paved with a minimum 28' turning radius. The gate shall be strobed to the satisfaction of the Fire Chief for fire emergency access.
7. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a blasting permit must be obtained from the Escondido Fire Department. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
8. Access for use of heavy firefighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate flow are in service to the satisfaction of the Fire Marshal.
9. Three (3) copies of a revised Tentative Map, reflecting all modification and any required changes, shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans and the Final Map.
10. All habitable buildings shall be noise-insulated to maintain interior noise levels of 45 dBA or less.
11. All requirements of the Public Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of building permit issuance for the purpose of participating in the City Public Art Program.
12. All exterior lighting shall conform to the requirements of City of Escondido Zoning Code Article 35, Outdoor Lighting (Ordinance No. 2014-20).

13. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance to the satisfaction of the Director of Community Development.
14. Prior to the issuance of building permits, the applicant shall note on the construction plans that at least six of the homes on lots 20-33 shall be limited to one story, with a maximum height of 17 feet. The remaining eight homes on these lots may have two stories and a maximum height of 27 feet. No two-story element shall be within 40 feet of the rear property line.
15. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division.
16. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance No. 90-08), to the satisfaction of the Planning Division.
17. Prior to Final Map approval, a note shall be included on the Final Map, or other documents provided, stating that grading shall conform to the submitted conceptual design.
18. No street names are part of this approval. A separate request shall be submitted prior to Final Map.
19. Copies of any CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map and grading plan approval. The CC&Rs shall detail the responsibility for the maintenance of any exterior walls/fencing, slopes, common drainage facilities, and open space areas, including the 12.5' open space buffer.
20. Prior to the issuance of a grading permit, the grading plan shall include the location and type of all trees on the site. Each tree shall be labeled on the plan as to whether it will remain or be removed, and staked in the field, as necessary, to the satisfaction of the Planning Division.
21. Annexation of the property shall be recorded prior to recordation of the Final Map or issuance of any development permits.
22. No approvals for signage are included with the approval of the project. Separate review shall be completed prior to installation of any signage.
23. Section B-B on the Tentative Map shall be revised to show the vinyl fencing on the easement line instead of the property line.
24. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,266.25 for a project with a Mitigated Negative Declaration. (These fees include an additional authorized County administrative handling fee of \$50.00, which needs to be included with each and every document submitted or filing.) Please note that the filing fee is adjusted annually based on changes to the price deflator as published by the by the US Department of Commerce. The \$2,266.25 fee went into effect on January 1, 2017, and the fee may or may not increase in subsequent years.

## Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan approved by the Master Development Plan to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Any existing trees to remain within the subdivision shall be identified on the landscape and grading plans.
3. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
4. All manufactured slopes, or slopes cleared of vegetation, shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping within this timeframe, then an interim landscaping solution may be acceptable. The type of plant material, irrigation, and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
5. All slopes shall be landscaped with suitable material to control erosion. All manufactured slopes over three (3) feet in height shall be landscaped with a combination of trees, shrubs, and groundcover. Fill slopes shall have a minimum of six (6) trees at fifteen (15) gallons in size, and ten (10) shrubs at five (5) gallons in size, per 1,000 square feet of slope area, in addition to ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. Plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division. In particular, the groundcover shall be a fast-growing species that establishes quickly and is capable of choking out weeds. All slopes over three (3) vertical feet shall be irrigated with an individual lot irrigation system approved by the Planning and Building Divisions.
6. The mature tree located on the property boundary between proposed Lots 2 and 3 and the property addressed as 830 North Avenue shall be protected by fencing off at dripline, to the satisfaction of the Director of Community Development or his/her designee, prior to issuance of a grading permit.
7. Street trees shall be provided along every frontage within, or adjacent to, this subdivision in accordance with the Escondido Landscape Ordinance and Street Tree List. Specimen size trees shall be incorporated into the landscape design, to the satisfaction of the Planning Division.
8. Any proposed walls and retaining walls shall be constructed out of decorative material to the satisfaction of the Planning Division. The materials and location of the wall(s) shall be identified on the landscape and grading plans.
9. Details of project fencing, including materials and colors, shall be provided on the landscape plans.
10. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance

certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

## **ENGINEERING CONDITIONS OF APPROVAL Escondido Tract 916-R (SUB 17-0007) North Ave.**

### **GENERAL**

1. The developer shall execute a Development Agreement with the City of Escondido.
2. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering the subject property.
3. The location of all existing on-site utilities shall be determined by the project engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
4. As surety for the construction of required off-site and on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map.
5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
  - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
  - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
6. If multiple Final Maps are to be recorded for this project, the City Engineer will determine the extent of public and private improvements to be constructed with each Final Map.
7. The project engineer shall submit to the Planning Department a copy of the Substantial Conformance Tentative Map as presented to the Planning Commission. The Tentative Map will be signed by the Planning Department verifying that it is in substantial conformance with the approved Tentative Map.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct street improvements, including but not limited to, full structural section paving and base, concrete curb, gutter, sidewalk, street lights, street trees, on the following streets within and adjoining the project boundary:



<b><u>STREET</u></b>	<b><u>CLASSIFICATION</u></b>
<b>North Avenue Private Streets "A" and "B"</b>	<b>Local Collector (42' curb to curb) Residential (36' curb to curb)</b>

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall construct improvements on North Avenue in accordance with Local Collector Road Standards (21' half-width within 33' R/W half-width), from the projects easterly boundary to Laurashawn Lane, to the satisfaction of the City Engineer.
4. The project entrance off North Avenue shall be designed and constructed per current Escondido Design Standards as a new fourth (north) leg of the Conway Drive and North Avenue intersection, and shall include all removal and/or new and refreshed signing and striping on all 4 intersection legs as directed by the City Engineer and City Traffic Engineer.
5. The developer shall construct a 24' wide gated and paved emergency access and public trail from the end of existing Tamara Drive to proposed private Street "B" to the satisfaction of the City Engineer and City Fire Marshal.
6. The developer shall construct a 24' wide gated and paved emergency and utility access across proposed Lot 7 from the private Street "A" knuckle to Kaywood Drive to the satisfaction of the City Engineer and City Fire Marshal.
7. The developer shall construct Streets "A" and "B" as private residential streets with minimum street widths of 36' curb to curb with PCC curb & gutter, and sidewalk. Street "A" shall be constructed with 5' sidewalk on its east and north sides and a public 10' wide DG trail on its west and south sides. Street "B" will be constructed with 5' wide sidewalks along all sides.
8. A 10-foot-wide public trail shall be constructed throughout the project at locations approved by the Community Development Director, City Engineer, and the San Diego County Water Authority for proposed locations within their aqueduct easement.
9. The developer shall be responsible for repair and overlay of all failing sections of the existing Tamara Drive as determined by the City Engineer.
10. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
11. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
12. All cul-de-sacs and knuckles shall conform to the current Escondido Design Standards.
13. Improvement plans for any construction within the San Diego County Water Authority's existing aqueduct easement will be subject to their review and prior to the City's approval of the Final Map. The developer shall be solely responsible for securing all necessary approvals and permits required by the San Diego County Water Authority for this work and shall pay any required plan check, permitting, and inspection fees.

14. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
15. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Any removal of existing striping and all new signing and striping shall be done by the developer's contractor.
16. The developer may responsible for a grind and overlay of North Avenue not otherwise improved, due to the many utility trenches necessary to serve this project and/or general construction damage. The determination of the extent of the grind and overlay shall be to the satisfaction of the City Engineer.
17. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
18. Street lighting in accordance with Escondido Standard Drawing E-1-E shall be required on all onsite private streets. It shall be the responsibility of the Home Owner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
19. The developer shall be required to construct public street lights in accordance with Escondido Standard Drawing E-1-E on North Avenue to the satisfaction of the City Engineer.
20. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
21. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

### **GRADING**

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and/or update letter that he/she has reviewed the revised grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including silt fences, straw wattles, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
3. Plans for any grading and drainage improvements within the San Diego County Water Authority's existing aqueduct easement will be subject to their review prior to the City's approval of the Final Map. The developer shall be solely responsible for securing all necessary approvals and permits required by the San Diego County Water Authority for this work and shall pay any required plan check, permitting, and inspection fees.

4. Due to the location of existing leach fields for the properties on the east side of Laurashawn Lane and along the westerly project boundary, the project's final grading design shall provide adequate set back from this westerly project boundary (as shown conceptually on the Tentative Map) to incorporate County Health Department Standards and the recommendations of the Geotechnical Engineer all to avoid impact to the existing leach fields during project grading to the satisfaction of the City Engineer. Any proposed grading work in the setback area shall be limited to minor grading to establish proper drainage flow and provide surfacing to the requirements of the City Engineer. No excavation shall take place in the setback area as part of the project grading or in the future by the home owners. The project CC&R's shall ensure maintenance of the setback area by the HOA or designee and shall prohibit any excavation within the setback area that could impact the leach fields of the westerly neighboring properties.
5. It shall be the responsibility of the developer to pay all plan check and inspection fees required by the San Diego County Health Department.
6. The developer will be required to obtain written permission from adjoining property owners for any off-site grading and reconstruction work necessary to construct the project and/or the required improvements.
7. Any proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
8. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
9. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
10. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit and the WDID number shall be listed on the Grading plans.
11. All lots shall be graded to drain per the requirements of current Escondido Design Standards and the City Engineer and shall include construction of necessary drainage facilities for conveyance and treatment.
12. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
13. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
14. All driveway grades and profiles shall conform to current Escondido Design Standards and Escondido Standard Drawings.
15. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.

## DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The developer shall construct the ultimate offsite drainage improvements within and along North Avenue including the modification or replacement of the existing large drainage culvert under North Avenue, westerly of Laurashawn Lane to the satisfaction of the City Engineer. These storm drain improvements shall be designed and installed in locations that avoid impact to any existing adjacent leach fields.
3. The developer shall grade and construct drainage improvements as may be necessary along the project's Kaywood Drive frontage to prevent concentrated drainage from coming down the proposed cut slopes and into the rear yards of Lots 7 and 8 to the satisfaction of the City Engineer.
4. The developer shall grade and construct a PCC swale within the proposed 12.5' open space easement along the project's westerly and southerly boundary to accept and convey any run-off that previously drained in this direction.
5. The developer shall construct drainage improvements to intercept and convey the concentrated drainage coming from Kaywood Drive into the rear of proposed Lot 4 to the satisfaction of the City Engineer.
6. A Final Storm Water Quality Management Plan(SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 BMP Manual) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.
7. All site drainage with emphasis on the roadway, parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
8. All onsite storm drains, ditches, inlets, junction structures, storm water storage facilities and bio-retention basins constructed with this project shall be considered private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the Home Owners Association as designated in the recorded CC&Rs and the recorded Storm Water Control Facility Maintenance Agreement.
9. The developer will be required to submit a signed, notarized copy of a Storm Water Control Facility Maintenance Agreement to the City Engineer to be countersigned and recorded.

## **WATER SUPPLY**

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.
3. Water meters and back flow prevention devices shall not be installed within the driveway apron or private driveway areas.
4. No trees or deep rooted plants shall be planted within 10 feet of any water service.

## **SEWER**

1. All proposed sewer main locations and sizing shall be to the satisfaction of the City Engineer and Director of Utilities. Required sewer main improvements include construction of a new manhole in place of an existing clean-out in the Conway Drive and North Avenue intersection and the extension of an 8-inch sewer main from this manhole northerly up Street "A" into the project. As currently shown this 8-inch sewer main will be required to extend across the San Diego County Water Authority aqueduct easement to serve Street "B" in a location and depth approved by the San Diego County Water Authority.
2. The developer shall extend an 8-inch sewer main from the Street "A" knuckle area to a sewer clean-out in the Kaywood Drive right-of-way for future sewer main extension and sewer service in this direction.
3. Sewer utilities shall be extended to the project's boundary at such locations as required by the City Engineer and/or the Director of Utilities.
4. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the Public Utilities Easement shall be constructed for each Lot and shown on the Improvement and Grading plans.
5. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
6. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
7. All sewer laterals will be considered a private sewer system. The property owners and/or the Home Owners Association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.

## **FINAL MAP - EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
2. Necessary Public Utility Easements for sewer, water, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. Necessary Emergency Access Easements shall be granted to the City on the Final Map. The minimum easement width is 24 feet.
4. Public Trail easements as proposed on the tentative map shall be granted to the City on the Final Map.
5. A Public Utility Easement shall be granted over the Private Street. The public utility easement shall extend a minimum of five (5) feet beyond the improved, curb-to-curb roadway width. When sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
6. Private Drainage Easements shall be shown on the Final Map and granted to the Home Owners Association upon transfer of title for all private drainage facilities including brow ditches (5' min. wide) and storm drain pipes (10' min. wide) needed to convey storm water within the project.
7. Private open space setback easements as proposed on the tentative map shall be shown on the Final Map and granted to the Home Owners Association upon transfer of title.
8. The developer is responsible for making the arrangements to quitclaim all easements of record, which conflict with the proposed development prior to approval of the Final Map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

## **REPAYMENTS AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. A sewer repayment of \$1,063.09 is due to the City of Escondido for existing sewer improvements that contribute to serving this property per Repayment File No. 208 and approved by City Council Resolution 2002-45.

3. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **CC&Rs**

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of all onsite storm drain facilities, storm water treatment facilities, public trails, emergency access gates and roadways, and the landscaping of all common open space easements and lots. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&Rs for maintenance of the open space setback easements by the Home Owners' Association or their designee, and shall prohibit any excavation within these open space setback easements that could impact the leach fields of the westerly neighboring properties.
4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.
5. The CC&R's must state that (if stamped concrete is used in the private street) the homeowners' association is responsible for replacing the stamped concrete in kind if the City or its contractor has to trench the street for repair or replacement of an existing utility.
6. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association or their contractors when repair or replacement of private utility or storm water facility is done.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

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**GEOCON**  
INCORPORATED

G E O T E C H N I C A L ■ E N V I R O N M E N T A L ■ M A T E R I A L S



Project No. 07344-42-02  
July 11, 2017

North Avenue CAJ, LLC  
Post Office Box 928257  
San Diego, California 92192

Attention: Mr. Casey Johnson

Subject: SUMMARY OF CONCLUSIONS IN PREVIOUS GEOTECHNICAL REPORTS  
NORTH AVENUE ESTATES  
SAN DIEGO COUNTY, CALIFORNIA

- References:
1. *Supplemental Exploratory Trenching, North Avenue Estates, Escondido, California*, prepared by Geocon Incorporated, dated November 15, 2016 (Project No. 07344-42-02).
  2. *Groundwater Flow, North Avenue Estates, Escondido, California*, prepared by Geocon Incorporated, dated February 17, 2017 (Project No. 07344-42-02).
  3. *Response to LAFCO Comments, North Avenue Estates, San Diego County, California*, prepared by Geocon Incorporated, dated May 3, 2017 (Project No. 07344-42-02).

Dear Mr. Johnson:

In accordance with your request we have summarized our conclusions from previous reports prepared by Geocon Incorporated with respect to potential impacts to adjacent property septic systems.

It is our opinion based on the information obtained from our field investigations that the potential to encounter septic seepage in remedial excavations performed on the North Avenue Estates project is low, therefore remedial excavations should not cause or contribute to a failure of the adjacent septic systems.

Groundwater flow at the site, if present, occurs on or below the alluvium/gabbro contact. We expect groundwater flow to follow the alluvium/gabbro gradient contact, which is to the south-southwest based on exploratory trenching performed on the property. We expect groundwater flow and septic seepage below the properties along Laurashawn Lane to also flow to the south-southwest along the alluvium/gabbro contact, or away from the North Avenue Estates project. As such, it is our opinion, that remedial grading performed within the North Avenue Estates site will not cut-off groundwater flow from and beneath adjacent properties thereby causing a rise in groundwater and impacting the vertical percolation from the existing septic systems.

As an added measure of conservatism, a 10-foot buffer area is proposed within the North Avenue Estates project adjacent to the lots along Laurashawn Lane from the south end of the property up to the

existing 5-foot wide concrete drainage channel. Adjacent to the concrete drainage channel remedial removal depths are expected to be less than 3 feet deep, and therefore, a buffer is not needed due to the shallow removal depths. With respect to the easterly property margin, a buffer is also not needed as remedial removal depths are also expected to also be less than 3 feet deep, thereby, eliminating the potential for adverse impacts to the adjacent properties as a result of remedial grading.

In conclusion, it is our opinion, that remedial grading and construction of the planned residential homes for the North Avenue Estates project will not impact the neighboring septic systems.

Very truly yours,

GEOCON INCORPORATED



Rodney C. Mikesell  
GE 2533

RCM:dmc

(e-mail) Addressee



# NORTH AVENUE CAJ, LLC

P.O Box 928257  
San Diego, CA 92192  
P. 619.993.7559

May 3, 2017

Robert Barry  
San Diego Local Agency Formation Commission  
9335 Hazard Way, Suite 200  
San Diego, CA 92123

SUBJECT: Request for Comments: "Tract 916" (SUB17-0007)

Dear Mr. Barry,

Thank you for your comments on the proposed "Tract 916" subdivision in the City of Escondido. I am writing this letter in response to comments received from LAFCO on March 24, 2017. We have been working with the City of Escondido, San Diego County Department of Environmental Health, and our Geotechnical Engineer and Hydrogeologist to further address any and all concerns as it relates to septic systems on Laurashawn Lane.

Our Geotechnical Engineer and Hydrogeologist have conducted a number of studies to determine if the subject property (Tract 916) would impact adjacent septic systems. It has been determined from the studies conducted that Tract 916 would not impact the adjacent septic systems.

For your reference, please find the following studies;

*-Response to LAFCO Comments – North Avenue Estates, prepared by Geocon Incorporated, dated May 3, 2017 (Project No. 07344-42-02)*

*-Groundwater Flow, North Avenue Estates, Escondido, California, prepared by Geocon Incorporated, dated February 17, 2017 (Project No. 07344-42-02)*

*-Supplemental Exploratory Trenching, North Avenue Estates, Escondido, California, prepared by Geocon Incorporated, dated November 15, 2016 (Project No. 07344-42-02)*

Should you have any questions regarding this letter, or if there is anything additional needed, please feel free to contact me at (619)993-7559.

Sincerely,



Casey Johnson

Cc: Jay Petrek, City of Escondido  
Bill Martin, City of Escondido  
Ann Dolmage, City of Escondido



Project No. 07344-42-02  
May 3, 2017

North Avenue CAJ, LLC  
Post Office Box 928257  
San Diego, California 92192

Attention: Mr. Casey Johnson

Subject: RESPONSE TO LAFCO COMMENTS  
NORTH AVENUE ESTATES  
SAN DIEGO COUNTY, CALIFORNIA

- References:
1. *Remedial Grading Along Western Property Line, North Avenue Estates, San Diego County, California*, prepared by Geocon Incorporated, dated October 13, 2016 (Project No. 07344-42-02).
  2. *Groundwater Flow, North Avenue Estates, Escondido, California*, prepared by Geocon Incorporated, dated February 17, 2017 (Project No. 07344-42-02).

Dear Mr. Johnson:

In accordance with your request, we have prepared this letter to respond to LAFCO comments regarding the 10-foot buffer between the property line and potential impacts to groundwater flow and impacts to the adjacent property septic systems.

As indicated in the referenced documents, it is our opinion that remedial grading on the North Avenue Estates project will not impact vertical percolation from the existing septic systems. Additionally, based on the predominant inferred groundwater flow direction, groundwater and septic seepage from the adjacent properties currently flow to the south-southwest and that remedial grading at the North Avenue Estates site should not cause a rise in groundwater beneath the adjacent properties.

The proposed 10-foot buffer, adjacent to the Laurashawn residences, is being recommended as added conservatism. A 10-foot horizontal distance is being used as it matches the depth of the deepest removals expected on the property in the specified location. A 10-foot setback provides a 1:1 buffer from the property margin to the bottom of the excavation.

Should you have any questions regarding this letter, or if we may be of further service, please contact the undersigned at your convenience.

Very truly yours,

GEOCON INCORPORATED

  
Rodney C. Mikesell  
GE 2533



RCM:dmc

(e-mail) Addressee



Project No. 07344-42-02  
February 17, 2017

North Avenue CAJ, LLC  
PO Box 928257  
San Diego, California 92192

Attention: Mr. Casey Johnson

Subject: GROUNDWATER FLOW  
NORTH AVENUE ESTATES  
ESCONDIDO, CALIFORNIA

- References:
1. *Geotechnical Investigation, North Avenue Estates, San Diego, California*, prepared by Geocon Incorporated, dated September 22, 2004 (Project No. 07344-42-01)
  2. *Supplemental Exploratory Trenching, San Diego, California*, prepared by Geocon Incorporated, dated November 15, 2016 (Project No. 07344-42-02)

Dear Mr. Johnson:

In accordance with your request, we are providing this opinion that remedial grading (i.e., removing and re-compacting surficial soils) at the North Avenue Estates project should not cause a rise in groundwater beneath adjacent properties along the east side of Laurashawn Lane.

We reviewed the 15 trench logs (T1 to T15) provided in the *Geotechnical Investigation* report and note that groundwater seepage was encountered in only two of the exploratory trenches (in T1 at 2 feet below the alluvium/gabbro contact and in T14 at the alluvium/gabbro contact). We also reviewed the 12 trench logs (T16 to T27) included in the *Supplemental Exploratory Trenching* report and note that no groundwater was encountered.

Based on the lack of groundwater in overlying alluvium, groundwater flow beneath the site, if present, appears to occur on or below the alluvium/gabbro contact. The depth to the alluvium/gabbro contact ranges from 2 to 3 feet (T11, T12, T13, and T17) at the northern limits of the project site to 9 to 10 feet (T1, T2, T14, T26, and T27) at the southern site limits.

The attached maps show the alluvium/gabbro contact elevation contours and the corresponding inferred groundwater flow directions (assuming groundwater flows on the alluvium/gabbro contact). As shown, the predominant inferred groundwater flow direction is to the south-southwest, generally parallel to and slightly towards the adjacent properties along Laurashawn Lane. Current groundwater and septic seepage from the properties along the east side of Laurashawn Lane should also flow to the south-southwest, consistent with the predominant inferred groundwater flow direction.


## CONCLUSIONS

Groundwater flow at the site, if present, occurs on or below the alluvium/gabbro contact and the corresponding predominant inferred groundwater flow direction is to the south-southwest. The adjacent properties along the east side of Laurashawn Lane are mostly hydraulically cross- and downgradient from the North Avenue Estates site. It is our opinion, based on the predominant inferred groundwater flow direction, that groundwater and septic seepage from the adjacent properties currently flow to the south-southwest and that remedial grading at the North Avenue Estates site should not cause a rise in groundwater beneath the adjacent properties.

If you have questions regarding this correspondence or if we may be of further service, please contact the undersigned at your convenience.

Very truly yours,

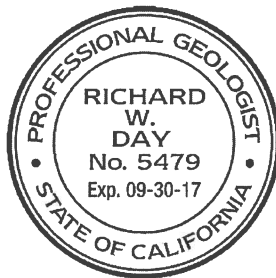
GEOCON INCORPORATED

  
Richard Day  
California Certified Hydrogeologist #74

  
Rodney C. Mikesell  
Senior Engineer

RD:RCM:ejc

(e-mail) Addressee

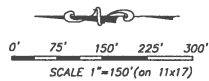


NORTH AVENUE ESTATES  
 ESCONDIDO, CALIFORNIA



**GEOCON LEGEND**

- APPROX. ELEVATION OF SOIL/BEDROCK CONTACT
- > SOIL/BEDROCK CONTACT SLOPE AND GROUNDWATER FLOW DIRECTION
- T-15 █ APPROX. LOCATION OF EXPLORATORY TRENCH (GEOCON; Sept. 22, 2004)
- T-27 █ APPROX. LOCATION OF TRENCH (GEOCON; Nov. 1, 2016)



**GEOCON**  
 INCORPORATED  
 GEOTECHNICAL ■ ENVIRONMENTAL ■ MATERIALS  
 6960 FLANDERS DRIVE - SAN DIEGO, CALIFORNIA 92121-2974  
 PHONE 658-558-9100 - FAX 658-558-6109  
 PROJECT NO. 07344 - 42 - 02



FIGURE 1  
 SITE PLAN DATE 02 - 17 - 2017



Project No. 07344-42-02  
November 15, 2016

North Avenue CAJ, LLC  
P.O. Box 928257  
San Diego, California 92192

Attention: Mr. Casey Johnson

Subject: SUPPLEMENTAL EXPLORATORY TRENCHING  
NORTH AVENUE ESTATES  
ESCONDIDO, CALIFORNIA

- References:
1. *Geotechnical Investigation, North Avenue Estates, San Diego County, California*, prepared by Geocon Incorporated, dated September 22, 2004 (Project No. 07344-42-01).
  2. *Remedial Grading Along Western Property Line, North Avenue Estates, San Diego County, California*, prepared by Geocon Incorporated, dated October 13, 2016 (Project No. 07344-42-02).
  3. *City of Escondido Tentative Map No. 916, Planned Development No. 2005-17-PZ/PD/DA*, prepared by Manitou Engineering, plot date December 5, 2007.

Dear Mr. Johnson:

In accordance with your request, we have prepared this correspondence as a supplement to our referenced report and remedial grading consultation letter. This letter has been prepared to document additional exploratory test pits performed along the western property margin. The purpose of the test pits was to observe if seepage from the adjacent properties could be encountered within remedial excavations performed during grading. It is our understanding that the rear yard area for the homes along Laurashawn Lane serve as the leach field area for their septic systems, and the City of Escondido is concerned that seepage from the leach fields will be encountered during remedial grading.

Exploratory trenching was performed on November 1, 2016. The exploratory trenches were excavated to the depth of anticipated remedial grading. Trenches were excavated perpendicular to the property line at the fence line. In addition, a trench was excavated parallel to the property line slightly off of the fence line. The locations of the trenches are shown on Figures 1 and 2 (*Geologic Map*). The locations of all of the exploratory trenches performed on the property to date are included on the figures.

The excavations were left open for a period of at least 2 hours to observe if seepage was present. No seepage was observed in any of the excavations. Photos and logs of the trench excavations are attached. Only the trench logs associated with the recent trenching have been provided. Two additional trenches were excavated (T-16 and T-17) to supplement our geotechnical information for remedial grading depths.




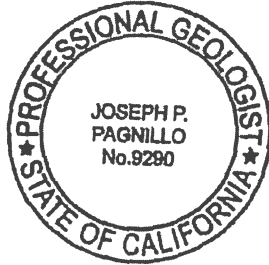
In conclusion, it is our opinion, based on information obtained from the exploratory trenching, that the potential to encounter seepage in the remedial excavations is low.

If you have any questions regarding this correspondence, or if we may be of further service, please contact the undersigned at your convenience.

Very truly yours,

GEOCON INCORPORATED

  
Joseph P. Pagnillo  
PG 9290



  
Rodney C. Mikesell  
GE 2533

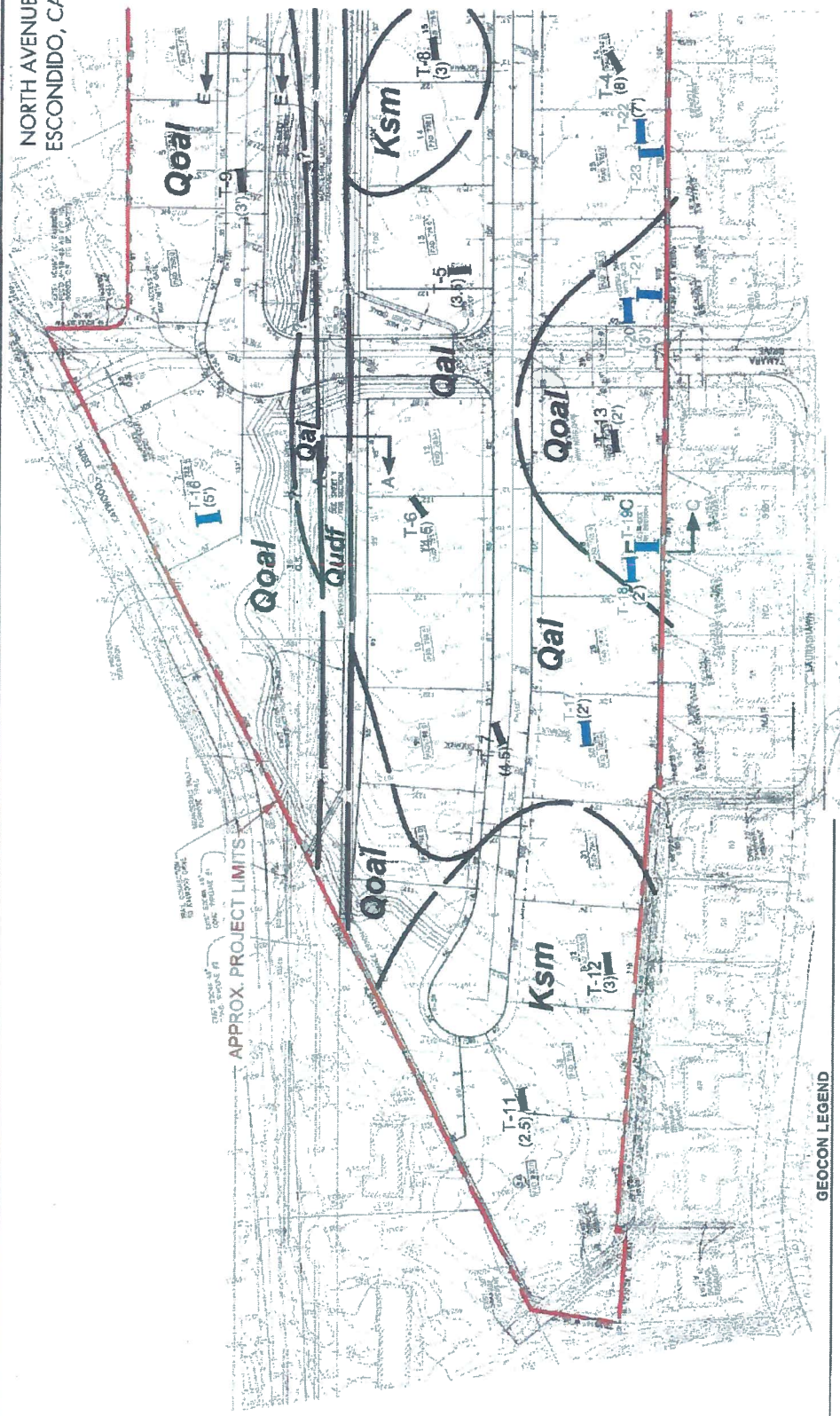


JPP:RCM:ejc

Attachments: Figures 1 and 2; Geologic Map  
Photos 1 through 5  
Figures A-1 through A-12; Trench Logs

(2) Addressee

NORTH AVENUE ESTATES  
ESCONDIDO, CALIFORNIA



- Qudf** ..... UNDOCUMENTED FILL  
**Qal** ..... ALLUVIUM  
**Qol** ..... OLDER ALLUVIUM  
**Ksm** ..... SAN MARCOS CABBRO  
 ..... APPROX. LOCATION OF GEOLOGIC CONTACT  
 (Queried Where Uncertain)
- T-15** ..... APPROX. LOCATION OF EXPLORATORY TRENCH  
 (Gécon; Sept. 22, 2004)  
**T-27** ..... APPROX. LOCATION OF TRENCH  
 (Gécon; Nov. 1, 2018)  
 (10) ..... APPROX. LOCATION OF ABANDONED WATER WELL  
 (10) ..... APPROX. THICKNESS OF SURFICIAL SOILS

**GEOCON LEGEND**

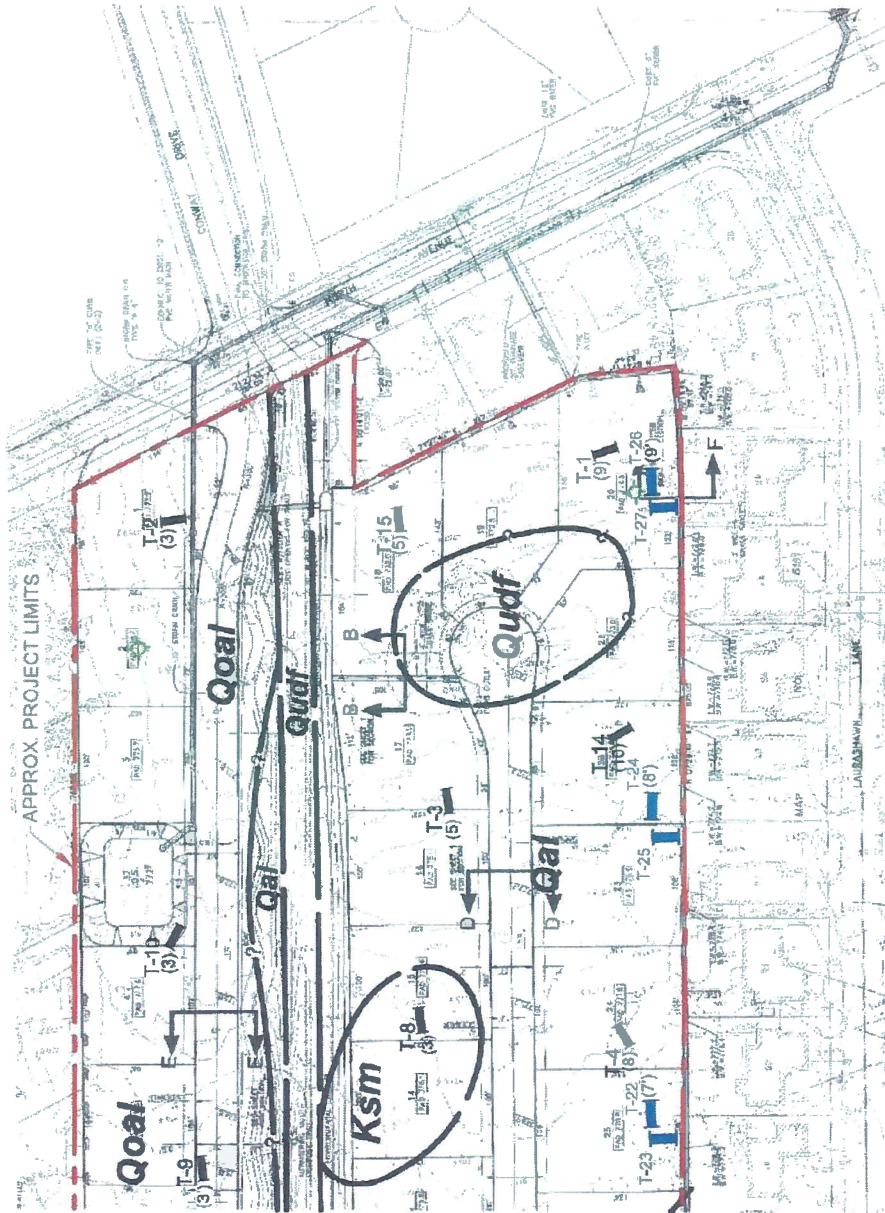


**GEOCON**  
 GEOGRAPHY  
 GEOTECHNICAL & ENVIRONMENTAL MATERIALS  
 1000 S. EL CAMINO REAL, SUITE 100  
 SAN MARCOS, CALIFORNIA 92566-2974  
 PROJECT NO. 07344-72-02  
 FIGURE 1

**GEOLOGIC MAP DATE 11-15-2016**

Plot: 11052018 866441 P: 0734472021607344422 North Avenue Estates EScondido 11-15-2016 GeoMap.dwg

NORTH AVENUE ESTATES  
ESCONDIDO, CALIFORNIA



**GEOCON LEGEND**

- Qudf** ..... UNDOCUMENTED FILL
- Qal** ..... ALLUVIUM
- Qoal** ..... OLDER ALLUVIUM
- Ksm** ..... SAN MARCOS GABERO
- ..... APPROX. LOCATION OF GEOLOGIC CONTACT  
(Qualified Where Uncertain)
- T-15 ..... APPROX. LOCATION OF EXPLORATORY TRENCH  
(Geocent: September 22, 2004)
- T-27 ..... APPROX. LOCATION OF TRENCH  
(Geocent: Nov. 1, 2018)
- (10) ..... APPROX. LOCATION OF ABANDONED WATER WELL
- (10) ..... APPROX. THICKNESS OF SURFICIAL SOILS

**GEOCON**  
ENGINEERED

GEOTECHNICAL ■ ENVIRONMENTAL ■ MATERIALS  
8400 LA JOLLA DRIVE ■ SAN DIEGO, CALIFORNIA 92121-7974  
PHONE: (619) 444-1200 ■ FAX: (619) 444-1202  
PROJECT NO. 073044 - 42 - 02

**GEOLOGIC MAP** DATE 11 - 15 - 2016



PHOTO 1: Trench T-19



PHOTO 2: Trench T-21



PHOTO 3: Trench T-23

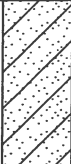




PHOTO 4: Trench T-25



PHOTO 5: Trench T-27





DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 16		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>787'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u>		BY: <u>J. PAGNILLO</u>		
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Medium-dense, damp, dark grayish brown, fine, Sandy CLAY/Clayey SAND				
2	T1-1							
4								
								
6				<b>OLDER ALLUVIUM (Qoal)</b> Dense, damp, dark, reddish brown, Clayey, fine to medium SAND				
				TRENCH TERMINATED AT 6 FEET Groundwater not encountered				

**Figure A-1,**  
**Log of Trench T 16, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/> ... SAMPLING UNSUCCESSFUL	 ... STANDARD PENETRATION TEST	 ... DRIVE SAMPLE (UNDISTURBED)
		 ... DISTURBED OR BAG SAMPLE	<input type="checkbox"/> ... 1 SAMPLE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	SOIL CLASS (USCS)	<p><b>TRENCH T 17</b></p> <p>ELEV. (MSL.) <u>789'</u>      DATE COMPLETED <u>11-01-2016</u></p> <p>EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u>      BY: <u>J. PAGNILLO</u></p>	PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
0					MATERIAL DESCRIPTION			
					<p><b>ALLUVIUM (Qal)</b> Medium-dense, dry, brown, Silty, fine to medium SAND</p>			
2					<p><b>SAN MARCOS GABBRO (Ksm)</b> Strong, gray, moderately weathered, GRANITIC ROCK; difficult digging</p>			
					<p>TRENCH TERMINATED AT 3 FEET Groundwater not encountered</p>			

**Figure A-2,**  
**Log of Trench T 17, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	 ... SAMPLING UNSUCCESSFUL	 ... STANDARD PENETRATION TEST	 ... DRIVE SAMPLE (UNDISTURBED)
	 ... DISTURBED OR BAG SAMPLE	 ... CHUNK SAMPLE	 ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 18		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>785'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
				MATERIAL DESCRIPTION				
0				<b>OLDER ALLUVIUM (Qoa)</b> Loose, damp, dark reddish brown, Clayey, fine to medium SAND with angular gravel and cobble				
2			-Difficult digging; becomes dense to very dense					
				TRENCH TERMINATED AT 2.5 FEET Groundwater not encountered				

Figure A-3,  
Log of Trench T 18, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/>	... SAMPLING UNSUCCESSFUL	<input type="checkbox"/>	... STANDARD PENETRATION TEST	<input type="checkbox"/>	... DRIVE SAMPLE (UNDISTURBED)
		... DISTURBED OR BAG SAMPLE	<input type="checkbox"/>	... CHUNK SAMPLE		... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 19		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>785'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
				MATERIAL DESCRIPTION				
0				<b>OLDER ALLUVIUM (Qoa)</b> Loose, damp, dark reddish brown, Clayey, fine to medium SAND with angular gravel and cobble, abundant roots				
2				-Difficult digging; becomes dense to very dense				
				TRENCH TERMINATED AT 2.5 FEET Groundwater not encountered				

**Figure A-4,**  
**Log of Trench T 19, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/> ... SAMPLING UNSUCCESSFUL	<input type="checkbox"/> ... STANDARD PENETRATION TEST	<input type="checkbox"/> ... DRIVE SAMPLE (UNDISTURBED)
	<input checked="" type="checkbox"/> ... DISTURBED OR BAG SAMPLE	<input type="checkbox"/> ... CHUNK SAMPLE	<input type="checkbox"/> ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 20		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>779'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
MATERIAL DESCRIPTION								
0				<b>OLDER ALLUVIUM (Qoa1)</b> Loose, damp, dark reddish brown, Clayey, fine to medium SAND  -Becomes dense with angular gravel and cobble				
2								
4								
				TRENCH TERMINATED AT 4 FEET Groundwater not encountered				

**Figure A-5,**  
**Log of Trench T 20, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/> ... SAMPLING UNSUCCESSFUL	<input type="checkbox"/> ... STANDARD PENETRATION TEST	<input type="checkbox"/> ... DRIVE SAMPLE (UNDISTURBED)
	<input checked="" type="checkbox"/> ... DISTURBED OR BAG SAMPLE	<input type="checkbox"/> ... CHUNK SAMPLE	<input type="checkbox"/> ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 21		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>779'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
				MATERIAL DESCRIPTION				
0				<b>TOPSOIL</b> Loose, dry, dark brown, Clayey, fine to medium SAND; abundant roots				
2				<b>OLDER ALLUVIUM (Qoal)</b> Medium-dense, damp, dark reddish brown, Clayey, fine to medium SAND with angular gravel and cobble				
4				-Becomes dense				
6				TRENCH TERMINATED AT 6 FEET Groundwater not encountered				

Figure A-6,  
Log of Trench T 21, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	... SAMPLING UNSUCCESSFUL	... STANDARD PENETRATION TEST	... DRIVE SAMPLE (UNDISTURBED)
	... DISTURBED OR BAG SAMPLE	... CHUNK SAMPLE	... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.









DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 22		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) 776'	DATE COMPLETED 11-01-2016			
				EQUIPMENT JD 410G BACKHOE W/ 24" BUCKET BY: J. PAGNILLO				
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Loose, dry, dark brown, Clayey, fine to medium SAND				
2	T7-1			-Becomes medium-dense, damp				
4								
6								
8				<b>SAN MARCOS GABBRO (Ksm)</b> Highly weathered, dark grayish brown, weak GRANITIC ROCK; excavates as decomposed granite				
TRENCH TERMINATED AT 8 FEET Groundwater not encountered								

Figure A-7,  
Log of Trench T 22, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	 ... SAMPLING UNSUCCESSFUL	 ... STANDARD PENETRATION TEST	 ... DRIVE SAMPLE (UNDISTURBED)
	 ... DISTURBED OR BAG SAMPLE	 ... CHUNK SAMPLE	 ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 23		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>777'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u>		BY: <u>J. PAGNILLO</u>		
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Loose, dry, dark brown, Clayey, fine to medium SAND; abundant roots				
2				-Becomes medium-dense, damp				
4								
6								
8				<b>SAN MARCOS GABBRO (Ksm)</b> Highly weathered, dark grayish brown, weak, GRANITIC ROCK; excavates as decomposed granite				
				TRENCH TERMINATED AT 8 FEET Groundwater not encountered				

Figure A-8,  
Log of Trench T 23, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	... SAMPLING UNSUCCESSFUL	... STANDARD PENETRATION TEST	... DRIVE SAMPLE (UNDISTURBED)
	... DISTURBED OR BAG SAMPLE	... CHUNK SAMPLE	... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.



DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 24		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				SOIL CLASS (USCS)	ELEV. (MSL.) <u>773'</u> DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Loose, damp, dark brown, Silty, fine to medium SAND; abundant roots				
2								
4				-Becomes medium-dense				
6								
8				<b>OLDER ALLUVIUM (Qoal)</b> Dense, damp, dark reddish brown, Clayey, fine to medium SAND; with angular gravel and cobble				
TRENCH TERMINATED AT 9 FEET Groundwater not encountered								

**Figure A-9,**  
**Log of Trench T 24, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	... SAMPLING UNSUCCESSFUL	... STANDARD PENETRATION TEST	... DRIVE SAMPLE (UNDISTURBED)
	... DISTURBED OR BAG SAMPLE	... CHUNK SAMPLE	... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 25		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				SOIL CLASS (USCS)	ELEV. (MSL.) <u>774'</u> DATE COMPLETED <u>11-01-2016</u> EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>			
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Loose, damp, dark brown, Silty, fine to medium SAND; abundant roots				
2								
4					-Becomes medium-dense			
6								
8				<b>OLDER ALLUVIUM (Qoal)</b> Dense, damp, dark reddish brown, Clayey, fine to medium SAND; with angular gravel and cobble				
TRENCH TERMINATED AT 9 FEET Groundwater not encountered								

**Figure A-10,**  
**Log of Trench T 25, Page 1 of 1**

07344-42-02.GPJ

SAMPLE SYMBOLS	... SAMPLING UNSUCCESSFUL	... STANDARD PENETRATION TEST	... DRIVE SAMPLE (UNDISTURBED)
	... DISTURBED OR BAG SAMPLE	... CHUNK SAMPLE	... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.



DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 26		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)
				ELEV. (MSL.) <u>768'</u>	DATE COMPLETED <u>11-01-2016</u>			
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u> BY: <u>J. PAGNILLO</u>				
MATERIAL DESCRIPTION								
0				<b>ALLUVIUM (Qal)</b> Loose, dry, dark grayish brown, Silty, fine to medium SAND				
2				-Becomes medium-dense, damp				
4								
6								
8								
10				<b>SAN MARCOS GABBRO (Ksm)</b> Highly weathered, dark grayish brown, weak, GRANITIC ROCK; excavates as decomposed granite				
TRENCH TERMINATED AT 10 FEET Groundwater not encountered								

Figure A-11,  
Log of Trench T 26, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/> ... SAMPLING UNSUCCESSFUL	<input type="checkbox"/> ... STANDARD PENETRATION TEST	<input type="checkbox"/> ... DRIVE SAMPLE (UNDISTURBED)
	<input checked="" type="checkbox"/> ... DISTURBED OR BAG SAMPLE	<input type="checkbox"/> ... CHUNK SAMPLE	<input type="checkbox"/> ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.

DEPTH IN FEET	SAMPLE NO.	LITHOLOGY	GROUNDWATER	TRENCH T 27		PENETRATION RESISTANCE (BLOWS/FT.)	DRY DENSITY (P.C.F.)	MOISTURE CONTENT (%)	
				ELEV. (MSL.) <u>768'</u>	DATE COMPLETED <u>11-01-2016</u>				
				EQUIPMENT <u>JD 410G BACKHOE W/ 24" BUCKET</u>		BY: <u>J. PAGNILLO</u>			
MATERIAL DESCRIPTION									
0					<b>ALLUVIUM (Qal)</b> Loose, dry, dark grayish brown, Silty, fine to medium SAND; abundant roots				
2					-Becomes medium-dense, damp				
4									
6									
8									
10					<b>SAN MARCOS GABBRO (Ksm)</b> Highly weathered, dark grayish brown, weak, GRANITIC ROCK; excavates as decomposed granite				
					TRENCH TERMINATED AT 10 FEET Groundwater not encountered				

Figure A-12,  
Log of Trench T 27, Page 1 of 1

07344-42-02.GPJ

SAMPLE SYMBOLS	<input type="checkbox"/> ... SAMPLING UNSUCCESSFUL	<input type="checkbox"/> ... STANDARD PENETRATION TEST	<input type="checkbox"/> ... DRIVE SAMPLE (UNDISTURBED)
	<input checked="" type="checkbox"/> ... DISTURBED OR BAG SAMPLE	<input type="checkbox"/> ... CHUNK SAMPLE	<input type="checkbox"/> ... WATER TABLE OR SEEPAGE

NOTE: THE LOG OF SUBSURFACE CONDITIONS SHOWN HEREON APPLIES ONLY AT THE SPECIFIC BORING OR TRENCH LOCATION AND AT THE DATE INDICATED. IT IS NOT WARRANTED TO BE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

**PLANNING & DEVELOPMENT SERVICES**  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 694-2962 • Fax (858) 694-2555  
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**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

July 18, 2018

Robert Barry  
Chief Analyst  
San Diego Local Agency  
Formation Commission (LAFCO)  
9335 Hazard Way, Suite 200  
San Diego, CA 92123

Via e-mail to: [robert.barry@sdcounty.ca.gov](mailto:robert.barry@sdcounty.ca.gov)

## **REQUEST FOR COMMENTS ON THE NORTH AVENUE ESTATES REORGANIZATION FOR THE CITY OF ESCONDIDO**

Mr. Barry,

The County of San Diego (County) reviewed LAFCO's Notice of Proposal Preliminary Staff Report, dated June 11, 2018 (Project). The County previously submitted comments on this Project, dated August 7, 2017 (Attachment A).

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

### **FLOOD CONTROL**

1. The County Department of Public Works, Flood Control District (FCD) currently maintains drainage facilities (DPW-DRNCUL-108847; DPW-DRNCHN-100571; FC-038) at the northwest corner and along the western property boundary of APN 224-153-20, which is proposed to be annexed by the City for the Project. This was noted in the County's previous comment letter to the City dated August 7, 2017.
  - a. In the County's previous comment letter, we noted that any proposed discharge or impact to these facilities requires close coordination with County FCD to ensure they are not adversely impacted, and to ensure County FCD retains access and the ability to maintain the facilities. The County did not receive a response from the City addressing this comment; therefore, this comment still applies.
  - b. In addition, County FCD would be amenable to transferring the ownership and easement to the City of Escondido for the aforementioned portion of the channel within the Annexation proposal.

Mr. Barry  
July 18, 2018  
Page 2

2. The County's previous comment letter also requested a complete hydrology/hydraulic analysis in accordance with the County's Hydrology Manual (June 2003) and Hydraulic Design Manual (September 2014). Both documents are located on DPW's website: <http://www.sandiegocounty.gov/content/sdc/dpw/flood/FloodControlEngineering.html>. The County did not receive a response from the City addressing this comment; therefore, this comment still applies.

## **SHERIFF'S DEPARTMENT**

1. The Sheriff's Department believes that the City is comprised of unusual boundaries and jurisdiction changes, which complicates duties for the Sheriff's Department. The Department recommends that in the future LAFCO and the City work with the County to annex the numerous "islands" of unincorporated land contained within the City.

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 495-5468, or via e-mail at [timothy.vertino@sdcounty.ca.gov](mailto:timothy.vertino@sdcounty.ca.gov).

Sincerely,



Eric Lardy, AICP  
Group Program Manager, Advance Planning Division  
Planning & Development Services

Enclosure: Attachment A: Previous COSD comment letters

E-mail cc: Darren Gretler, Chief of Staff, Board of Supervisors, District 5  
Vincent Kattoula, CAO Staff Officer, LUEG  
Timothy Vertino, Land Use / Environmental Planner, PDS  
Deena Raver, Sheriff's Project Manager, SDSO  
Dave Brown, Sheriff's Captain, SDSO  
Jeff Kashak, Land Use / Environmental Planner, DPW  
Greg Carlton, Sr. Civil Engineer, Flood Control Engineering, DPW



Jeffrey R. Epp, City Manager  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4631  
E-mail: [Jepp@escondido.org](mailto:Jepp@escondido.org)

August 17, 2018

Dave Ferguson  
Lounsbury, Ferguson, Altona and Peak  
960 Canterbury Place, Suite 300  
Escondido, CA 92025

RECEIVED

AUG 21 2018

Re: North Avenue Estates; City File No: SUB 17-007

SAN DIEGO LAFCO

Dear Mr. Ferguson,

I understand that the Board of Directors of the Deer Springs Fire Protection District requests that you specifically determine whether or not the City of Escondido objects to the North Avenue Estates development remaining in the Deer Springs Fire Protection District for emergency fire and medical services upon annexation to the City.

The North Avenue Estates project converts 17.2 acres of vacant land currently within the boundaries of the Deer Springs Fire Protection District (FPD) to a 34-unit residential neighborhood, including all public improvements and services. Because this project is within the City of Escondido sphere of influence, the project will annex to the City of Escondido. Trash collection, sewer, and police services will be provided by the City of Escondido, and water service pursuant to agreement between Escondido and Rincon Municipal Water District.

The City of Escondido objects to the North Avenue Estates project remaining in the Deer Springs FPD upon annexation, for the following reasons:

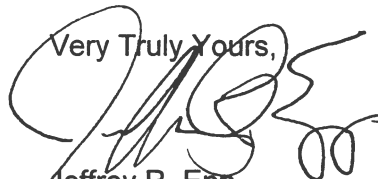
- 1) By allowing this development to annex into the city but remain in the Deer Springs FPD, Escondido would continue to have the legal responsibility to provide emergency services but no day-to-day ability to do so, absent some type of agreement with Deer Springs FPD. The City has no reason to contract with another agency to provide emergency services in this area. Escondido provides those services already and doing so would be duplicative and a waste of resources.
- 2) Continued service from Deer Springs FPD is inappropriate from a public safety standpoint. The North Avenue Estates development is approximately 3.8 miles or about 7 minutes from the nearest Deer Springs FPD facility (Station #2, Deer Springs Road and I-15) which has a fire engine and crew of three personnel. On the other hand, the development is only 2.8 miles or about 6 minutes from the nearest Escondido facility (Station #3, Nutmeg Street) which has a fire engine with three personnel and a rescue ambulance with two personnel.
- 3) The City of Escondido will be the provider for other public services, such as sewer, trash, and police services. Water service will be provided via pre-existing agreements with Rincon Municipal Water District. Having fire protection provided by yet another agency would simply cause confusion among residents.

Dave Ferguson  
August 17, 2018  
Page 2

- 4) The decision to maintain this area within the Deer Springs FPD upon annexation potentially sets bad precedent for future annexations within Escondido's Sphere of Influence that also fall within Deer Springs FPD's service area.
- 5) The request of the Deer Springs FPD Board is also inconsistent with basic policies of San Diego County's Local Agency Formation Commission. LAFCO is responsible for coordinating, directing, and overseeing logical and timely changes to local governmental boundaries, including annexation and detachment of territory, incorporation of cities, formation of special districts, and consolidation, merger, and dissolution of districts. In addition, LAFCO is charged with reviewing ways to reorganize, simplify, and streamline governmental structure, with the following goals:
  - o Encourage orderly growth
  - o Promote logical and efficient public services for cities and special districts
  - o Streamline governmental structure
  - o Discourage premature conversion of prime agricultural and open space lands to urban uses

The Board's request, if fulfilled, does not promote logical and efficient public services, would not streamline government structure, and does not result in orderly growth.

I also understand the District may have raised the possibility of a detachment fee. The City, of course, sees no legitimate reason for any such fee....if anything, annexation of this property to the City of Escondido would reduce, not increase, potential burden or expense to the Deer Springs FPD.

Very Truly Yours,  
  
Jeffrey R. Epp  
City Manager

cc: Honorable Mayor and City Councilmembers  
Jay Petrek, Assistant City Manager  
Rick Vogt, Fire Chief  
Bill Martin, Director of Community Development  
David Bright, Esq.  
✓Keene Simonds, Executive Officer-LAFCO



## Barry, Robert

---

**From:** David Ferguson <dwf@lfap.com>  
**Sent:** Thursday, September 20, 2018 4:36 PM  
**To:** Barry, Robert  
**Cc:** 'Brad Fomon'; Casey Johnson; Catherine A. Ferguson; Ryan McFarland  
**Subject:** North Ave. Estates Reorganization: draft report  
**Attachments:** RE: Deer Springs; 08-17-18 - Deer Springs.pdf

Robert,

This firm represents the owners of the residential property known as "North Avenue Estates". This email is to provide you with information concerning the owner's discussions with the Deer Springs Fire Protection District (DSFPD) and also to comment on the draft agenda report for the October 1, 2018 hearing.

First, I am attaching a copy of my email to the District's attorney, David Bright, dated 8/21/18. When I attended the District's August Board meeting, the Board asked that I approach the City of Escondido and ask if it would allow the property to stay in the DSFPD. On 8/21/18 I forwarded Mr. Bright a letter from the Escondido City Attorney denying that request (attached).

In the email I also offered the DSFPD a detachment fee of \$25,000 if they would consent to the detachment. It was my understanding that this amount was more than what was customarily required, but I hoped the higher amount would lead to an amicable resolution.

Today I was informed by Mr. Bright's office that the District Board declined the \$25,000 offer, not due to the amount, but because the District wishes to object to any further annexations of its territory by any City. I was informed that the Board President and Fire Chief will appear at the October 1<sup>st</sup> hearing to voice that objection.

Second, with respect to the report, the owners believe it to be thorough and accurate, and concur with its conclusions. As a technical matter, however, there is one passage we would like to correct. On page 10 the report refers to the 12.5' buffer as "mitigation". Since "mitigation" is a defined term in CEQA, we would like to point out that the buffer is not technically "mitigation" under CEQA definitions since the engineering reports and MND have consistently found that the project will have no significant impact on adjacent property. The original 2005 MND found that the project would "not materially degrade the existing drainage facilities as conditioned". Similarly, in the 2017 MND, Geocon's 7-11-17 letter states "In conclusion, it is our opinion that the remedial grading and construction of the planned residential homes for the North Avenue Estates project will not impact the neighboring septic systems."

Accordingly, although the 12.5' buffer was intended as a precaution and assurance for the neighbors, it does not qualify as "mitigation" since there is no actual impact to mitigate. We point this out solely to prevent any conflict between the report and the accompanying CEQA documentation.

Please let me know if I can provide any further information.

Regards,

Dave

**DAVID FERGUSON**  
LOUNSBERY, FERGUSON, ALTONA & PEAK  
960 CANTERBURY PLACE, SUITE 300  
ESCONDIDO, CA 92025  
760-743-1201



## Barry, Robert

---

**From:** David Ferguson <dwf@lfap.com>  
**Sent:** Tuesday, August 21, 2018 2:16 PM  
**To:** David Bright  
**Subject:** RE: Deer Springs  
**Attachments:** 08-17-18 - Deer Springs.pdf

David,

I received the attached letter from Jeff Epp today. It is clear that the City's position is fixed and Epp is not interested in meeting.

LAFCO informs us that the standard detachment fee is ten times the current fire standby fee. The current standby fee is \$392.64 (Note: the District report says only \$300, but our tax records show a higher number for the two parcels). Accordingly, it appears that a standard detachment fee would be \$3,926.40.

In order to expedite matters, North Avenue Estates is willing to pay the Deer Springs Fire District a detachment fee of \$25,000, if the fee can be paid after the annexation is approved and all appeal periods have run, or upon the successful defeat of any legal challenges, whichever occurs first.

If the District wishes to accept this offer, we will need written confirmation by 5 pm Friday (8-31). Otherwise, we will submit the issue to LAFCO and abide by whatever detachment fee, if any, it imposes.

Thanks again for your courtesy and cooperation.

Dave

**From:** David Bright <DBright@whiteandbright.com>  
**Sent:** Monday, August 20, 2018 6:29 PM  
**To:** David Ferguson <dwf@lfap.com>  
**Subject:** RE: Deer Springs

Thanks, Dave. We are still interested in meeting with Jeff. Please let me know if and when that could happen.



**David S. Bright | Partner**

**Phone:** (760) 747-3200  
**Fax:** (760) 747-5574  
**Email:** [dbright@whiteandbright.com](mailto:dbright@whiteandbright.com)

**970 Canterbury Place, Escondido, CA 92025**

**[www.whiteandbright.com](http://www.whiteandbright.com)**

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**From:** David Ferguson <[dwf@lfap.com](mailto:dwf@lfap.com)>  
**Sent:** Friday, August 17, 2018 1:39 PM  
**To:** David Bright <[DBright@whiteandbright.com](mailto:DBright@whiteandbright.com)>  
**Subject:** RE: Deer Springs

David,

I was not able to confirm a meeting with Jeff this afternoon.

I'll be back in touch when I hear more.

Dave

**From:** David Bright <[DBright@whiteandbright.com](mailto:DBright@whiteandbright.com)>  
**Sent:** Thursday, August 16, 2018 3:25 PM  
**To:** David Ferguson <[dwf@lfap.com](mailto:dwf@lfap.com)>  
**Subject:** RE: Deer Springs

Thanks for the clarification, Dave. Please let me know the status of meeting with Jeff. Thanks.



**David S. B**

**Phone:** (760) 747-3200  
**Fax:** (760) 747-3200  
**Email:** [dbr@whiteandbright.com](mailto:dbr@whiteandbright.com)

**970 Canterl**

**[www.white](http://www.whiteandbright.com)**

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**From:** David Ferguson <[dwf@lfap.com](mailto:dwf@lfap.com)>  
**Sent:** Thursday, August 16, 2018 2:50 PM  
**To:** David Bright <[DBright@whiteandbright.com](mailto:DBright@whiteandbright.com)>  
**Subject:** RE: Deer Springs

David,

By "if the letter is sufficient" I meant "does it answer the questions you have for the City?". Obviously, based on your email, it doesn't. I will inform Jeff that you also want to know if the City will pay or contribute to a detachment fee. That is why he sent it in draft; not for you to provide to your clients, but to find out if it contains the answers you want.

I'll also let him know that you still want a meeting.

Dave

**From:** David Bright <[DBright@whiteandbright.com](mailto:DBright@whiteandbright.com)>  
**Sent:** Thursday, August 16, 2018 1:40 PM  
**To:** David Ferguson <[dwf@lfap.com](mailto:dwf@lfap.com)>  
**Subject:** RE: Deer Springs

Dave, I am not sure what you mean by "if the letter is sufficient..." It does not address detachment fees to DSFPD, for one. I assume that it expresses the City's position, which appears to be locked in and non-negotiable in terms of Deer Springs continuing to service the detached area. And I do not understand why I am being asked to weigh in on the letter.

I will forward the letter, a draft I suppose, to my client and let you know. I do think a meeting with Jeff would be appropriate. Again, I will check in with the clients and get back to you. Thanks.



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**From:** David Ferguson <[dwf@lfap.com](mailto:dwf@lfap.com)>  
**Sent:** Tuesday, August 14, 2018 5:47 PM  
**To:** David Bright <[DBright@whiteandbright.com](mailto:DBright@whiteandbright.com)>  
**Subject:** Deer Springs

David,

After I requested a meeting with Jeff Epp on Friday, he contacted me to let me know that, after conferring with his team, he didn't think the meeting would result in any change to the City's position. Instead, he asked if he could send me a letter that I could provide you and the board. He sent the attached draft for our review.

If the letter is sufficient, I will ask him to send it to both of us in final. If not, I suggest we entice him to meet by making the meeting a bit later and offering beer.

Dave

**DAVID FERGUSON**  
LOUNSBERY, FERGUSON, ALTONA & PEAK  
960 CANTERBURY PLACE, SUITE 300  
ESCONDIDO, CA 92025

760-743-1201  
[DWF@LFAP.COM](mailto:DWF@LFAP.COM)  
[WWW.LFAP.COM](http://WWW.LFAP.COM)





# County of San Diego

**ELISE ROTHSCHILD**  
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
LAND AND WATER QUALITY DIVISION  
P.O. BOX 129261, SAN DIEGO, CA 92112-9261  
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 514-6583  
[www.sdcdeh.org](http://www.sdcdeh.org)

**AMY HARBERT**  
ASSISTANT DIRECTOR

August 17, 2018

North Avenue, CAJ, LLC  
PO Box 928257  
San Diego, CA 92192  
Attn: Casey Johnson

**RE: North Avenue Estates Rough Grading and Erosion Control plan review**  
**APN: 224-153-19, 224-190-20**

Dear Mr. Johnson,

Staff from the Department of Environmental Health (DEH) have reviewed the proposed development of the property known as North Avenue Estates. The Rough Grading and Erosion Control Plans were provided for staff review on August 16, 2018. The technical information provided by Geocon Incorporated (Geotechnical Investigation, North Avenue Estates (9/22/04) and Supplemental Exploratory Trenching (11/15/16) were previously reviewed by DEH staff members Kevin Heaton and Eric Klein. No significant impacts to the adjacent properties' onsite wastewater treatment systems were noted during the review, which have not been addressed with the most current project design. Both Kevin Heaton and Eric Klein have since retired from County employment. A letter from Geocon Incorporate referencing the two items was also provided to DEH for review, the letter is dated February 17, 2017.

After review of the plans, technical documents, and prior correspondence DEH staff have concluded that no significant impacts exist to the adjacent properties' onsite wastewater treatment systems from the proposed grading, cuts and fills, storm water management, or other relevant features of the development. The applicant has also addressed the destruction of several existing wells on the property which would further reduce offsite setback impacts. DEH has no objection to the approval of the proposed project by the City of Escondido, at this time. Any revisions or changes to the plans should be routed to DEH staff for additional review, should they be proposed. Any questions or concerns should be directed to Scott Rosecrans at 619-208-0337 or via email at [scott.rosecrans@sdcounty.ca.gov](mailto:scott.rosecrans@sdcounty.ca.gov)

Sincerely,

Scott Rosecrans  
EHS III, REHS

## Barry, Robert

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**From:** Kim Lunde <kimberlyjanlunde@yahoo.com>  
**Sent:** Friday, June 15, 2018 10:47 AM  
**To:** northareahomeowners@gmail.com; Barry, Robert  
**Subject:** LAFCO-TR916 Development

To Whomever Taped "Time Sensitive "Update on development of TR-916" to My Mailbox Without leaving Your Name?

My home is directly across the street from your proposed new subdivision. Your letter stated: "The conditions that LAFCO placed on the approval 10 years ago made the City of Escondido unwilling to take on liability for the surrounding homes septic systems".

A huge question and a statement from me:

I have a septic system, how does your decision affect my residence?

I do not want my property annexed into the City of Escondido. I purchased my home as part of the County of San Diego, and I want to remain under the County rules and regulations.

How do I stop your process from affecting me? (yep - affecting, not effecting)

Kim Lunde  
3044 Kaywood Drive  
Escondido, Ca 92026  
760-576-7829



## Barry, Robert

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**From:** JJ K <jaysonknack@gmail.com>  
**Sent:** Friday, June 15, 2018 11:15 AM  
**To:** Barry, Robert  
**Cc:** Isabella Knack; Constance Braun  
**Subject:** North Avenue Estates Reorganization

Hi Robert -

I live at 2934 Laurashawn Ln and would like to submit the following comments regarding the proposed development east of our home.

1. The geotechnical study was conducted in November 2017 at the end of 2 very dry winters. I live in the very south/southwest corner of the proposed development and have serious concerns about the height of our water table and its effects on my leach field percolation rate in years where we have 100% or more of expected rainfall. The proposed setback does not effect or mitigate the effects on the water table we will share with the proposed development
2. The proposed 12 foot setback creates an unsecured area adjacent to my yard, this has a negative impact on my social and economic interest.
3. The proposed development as approved creates significant negative social impact in allowing the clustering of homes as per the city of Escondido building code which is out of character with the existing homes on both the west and east side of the proposed development.

I request following conditions:

Third-party engineering condition is re-established regarding future septic failure. How can we, as existing homeowners, have no re-course if we can attribute septic failure to grading/hardening of the proposed development? Alternatively, the developer at his/her expense improve and connect (to sewer) the length of Laurashawn Ln that is effected by the proposed development.

Removal of clustering, how can anyone say that 32 homes in 17 acres fits with the existing character of our existing neighborhoods? Allowing this many homes to be built adjacent to my home will decrease its economic potential.

Thank-you for your consideration,

Jayson Knack  
2934 Laurashawn Ln  
Escondido, CA 92026

858 449 5661

## Barry, Robert

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**From:** mike joslin <rmjos52@gmail.com>  
**Sent:** Friday, July 06, 2018 10:42 AM  
**To:** Barry, Robert  
**Subject:** Tract 916

Hi Robert,

We live on Laurashawn Lane in Escondido. The area they want to build on is just outside our back yard. Some of our major concerns with the building of any homes on Reidy Creek is just that. It was a major waterway back in the day. The building of our houses was supposedly allowed because they built a concrete drainage ditch to deflect the water. During years when we have excess rain the underground water still flows through into our yards, and houses that are further down the street see actual flooding. We have some residents that have been here from the beginning of this development and they have had water come inside, flooding their homes. We want the engineers to come and test their water levels when there is a major rainfall year to have a full grasp of the high water table. When we went to the meeting at City Hall, the developer said they were going to handle their own drainage by going down to the bedrock and refilling it in. So where does that leave us? OUR developer was using guidelines that were in place when the creek was how it is today, so changing the flows of water by compaction of tons of dirt doesn't seem like a good thing for our properties.

We know 10 years ago the project was stopped because the city wasn't going to accept any liability for any issues we would have with our septic tanks. The same issues exist as before, even more so, since we were in a drought for several years why are we building more and more houses? (But we digress.) We appreciate you being with us the last time we went through this and you understand our concerns of this project.

The drainage is our main concern, as well as the different animal species that use the creek.

Please feel free to contact us if you want more of our input.

Thanks again Robert for listening to us.

Sincerely,

Mike & Candy Joslin  
760-855-6271  
Stan & Nancy Gentaras  
760-271-7851

## Barry, Robert

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**From:** Toni Clem <tlclem46@outlook.com>  
**Sent:** Saturday, July 07, 2018 9:05 AM  
**To:** Barry, Robert  
**Cc:** Toni Clem; northaveareahomeowners@gmail.com  
**Subject:** North Avenue Estates Development

Mr. Berry:

My name is Toni Clem and I have resided at 714 North Avenue Escondido 92026 since 1973. In 2013-2014, due to my septic system failing, I had to annex to the city so I could hook up to the sewer. I have first hand knowledge regarding the lack of drainage on the land that North Avenue Estates is planning on developing.

This land sits lower than the homes around it and has always been under water when it rains and there is also a natural spring in the area that fills up when it rains. In 1973, when I moved into my home, I was told by other North Avenue neighbors that the land sat low and to expect a problem with flooding. One of these people had lived here since the 1950's said they couldn't believe anyone would be allowed to built the houses on Laura Shawn since the land always flooded whenever it rained. There are also wells, on this land, that of course fill up when it rains. It's hard to imagine how NAE Development is going to fix the drainage problem. Also, when newer homes were first build on Kayewood Drive, whatever grading was done has affected the pre existing drainage issues (how can NAE fix someone else's grading issues on other property?) adding severe flooding to the dirt road that runs South, through the planned development, and onto North Avenue running West and flooding the street towards North Broadway. When I first had to have the septic pumped, after it rained, it was pumping the whole field through my septic tank because the field water had no where to go!!! I always had to wait until the field dried out before I could have the septic pumped. In the mean time my family couldn't wash clothes, take showers, flush the toilet (we had to use a toilet from a camper)and I have had to rent porta potty's. **Over the past 45 years that I have lived here nothing has changed and the drainage problem has only gotten worse.** As I already mentioned, due to the low ground level, wells, and natural spring how does North Avenue Estates Development plan to solve the drainage problem that affects all the homes that have septic systems on Laura Shawn? **Having an easement of nine to twelve feet behind these properties means absolutely nothing when your dealing with acre's and acre's of land that floods!!!**

Also, added traffic is a high concern to me. I live by the three way stop ay North Avenue/Conway and certain hours of the day is difficult getting out of my driveway due to the traffic. I have also heard that there are a couple of sites, in the Kayewood area, that will be considered for building in the future. I have lived here during three wild fires. North Broadway had to be closed along with Jesmond Dene Road and the ONLY road out of this area is what is now the three way stop at North Avenue/Conway. Besides vehicles trying to evacuate you also have trailers with livestock. So please consider the added traffic this development and future developments will add to this two lane road.

Thank you,  
Toni L. Clem

Sent from [Mail](#) for Windows 10

## Barry, Robert

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**From:** Connie Braun <northaveareahomeowners@gmail.com>  
**Sent:** Sunday, July 08, 2018 4:09 PM  
**To:** Barry, Robert  
**Subject:** Response to Preliminary Staff Report North Ave Estates Re-org  
**Attachments:** WaterTableData - 2942 Laurashawn Lane.xls; July 9 Letter to RBarry.docx

Dear Mr. Barry,

Thank you for the opportunity to address your Preliminary Staff Report. Please see the attached letter from the North Avenue Area Homeowners. We have tried to make two clear requests and we have included a separate document for your consideration.

I hope you are well.

Best,  
Kathy Jones

North Avenue Area Homeowners

8 July 2018

Dear Mr. Barry,

Thank you for your invitation to submit comments on the North Avenue Estates Reorganization proposal for TR-916. We have a two concerns regarding the LAFCO considerations, and two subsequent requests.

We note with concern two problems with the SUB 17-007 Revisions to TR-916, the first of which is the 12.5" buffer area intended as assurance that project construction will not affect existing septic systems, and the second of which is the removal of any path of recourse should there be any construction-related impacts on existing septic systems. Thank you for carefully identifying these problems in your Preliminary Staff Report.

As regards our first concern: we see in the July 11, 2017 letter from Geocon Inc. to Mr. Casey Johnson that a 10-foot buffer area adjacent to the lots on Laurashawn Lane should eliminate the "potential for adverse impacts" on adjacent properties. Geocon bases this pronouncement on its exploratory trenching and subsequent measurement of groundwater that it expects to flow south-southwest. Geocon states that the North Avenue Estates project will not cause a rise in groundwater nor will it impact the "vertical percolation from the existing septic systems." While these claims might be true (we look forward to an independent peer review of the study), we have good reason to believe that this study is based on a faulty evaluation of the long-term groundwater levels. We strongly suspect that Geocon has inaccurately accounted for groundwater levels in the TR-916 and Laurashawn Lane areas. When Geocon excavated in November of 2016, they reported that no groundwater was encountered at 10 feet in trench T 27. However, data collected by a resident of Laurashawn Lane (who was repairing his septic leach field) shows that from January 26, 2017 to October 28, 2017 (a nine month period) ground water was encountered at or shallower than 10 feet. We have attached this information—see Water Table Monitoring Data. Please note that on March 21, 2017 groundwater was encountered at 5 feet 4 inches. (You may note that Trench T 27 is approximately 75 feet from the monitoring location.) Geocon collected their data on a single date after a historic drought. As our Table shows, TR-916 and Laurashawn Lane experience varying levels of groundwater during different seasons and different years. We request that any review of the Geocon study take seriously these changes in groundwater and how they might affect existing septic systems. Geocon's assurance that a buffer zone is "an added measure of conservatism" which guarantees no negative impact on adjacent properties is ultimately flawed if its estimation of those groundwater levels is inaccurate.

Our second concern is related to our first: as part of the revised SUB 17-007, the city removed the TR-916 project's 3-party engineering condition which required the developer to pay to connect impacted adjacent properties to the City's sewer system. The reason for this removal is their utter trust in the pronouncements of Geocon regarding the efficacy of the buffer zone and the level and directional flow of ground water. We ask that regardless of any measures adopted

by the developer of TR-916, a condition of approval include a path of recourse for determining construction-related impacts or connection to the City's wastewater system if it is determined that existing septic systems cannot function as a result of the development. Further, we ask— with LAFCO—that the County DEH be the final authority on failed or failing septic systems, and that the City remain the responsible party for adjudicating any connection to the City's wastewater system due to construction-related impacts. We ask that this condition not specify a time period or deadline for a project-related septic impact claim.

Our reasons here are simple: both the City and the developer stand to gain quite a bit from this development. It is clearly in their best interest to promote the development. However, the existing homeowners stand to lose quite a bit from this development should their septic systems be adversely affected. In a letter dated November 8, 2017 Mr. Bill Martin estimated the cost of connection to the City wastewater system at \$31,656 per resident. This number would be much larger if not all residents were to connect. If you are fortunate enough to have easy access to \$31,000, you can hardly imagine what this sum could mean for some existing homeowners. For instance, elderly or disabled residents on a limited income would simply lose their homes if their septic systems were to fail. Only an irresponsible and Nietzschean local government would approve of such an arrangement without providing a condition of approval which would protect the rights and property of existing residents.

We are grateful to live in a time and place where there are multiple levels of oversight for such decisions. Thank you for carefully reading our letter. And thank you for addressing our request for a more comprehensive groundwater study and our request for a condition of approval for the development which provides protection to existing residents. (Please see the separate letters written by individual residents which express various other concerns.)

Respectfully yours,

North Avenue Area Homeowners

## Water Table Monitoring Data

**Monitoring Location:** 2942 Laurashawn Lane, Escondido, CA 92026

**Monitoring Apparatus:**

4 inch SDR 35 pipe embedded 13 feet into ground  
25 foot tape measure

**Monitoring Dates:** 4/16/16 to 1/21/18

Date	Distance to Top of Ground Water		
	Inches	Ft	In
04/16/16	156.0	13	0
04/19/16	150.0	12	6
07/01/16	156.0	13	0
01/13/17	153.0	12	9
01/21/17	140.0	11	8
01/24/17	121.0	10	1
01/26/17	118.0	9	10
01/28/17	116.0	9	8
01/30/17	110.0	9	2
02/01/17	110.5	9	2.5
02/03/17	109.0	9	1
02/05/17	107.0	8	11
02/08/17	105.0	8	9
02/11/17	102.0	8	6
02/13/17	101.5	8	5.5
02/16/17	100.0	8	4
02/20/17	96.0	8	0
02/22/17	92.0	7	8
02/26/17	90.0	7	6
02/28/17	82.0	6	10
03/02/17	73.0	6	1
03/04/17	68.0	5	8
03/06/17	66.0	5	6
03/08/17	64.0	5	4
03/11/17	64.0	5	4
03/12/17	64.0	5	4
03/14/17	64.0	5	4
03/16/17	64.0	5	4
03/18/17	64.5	5	4.5
03/20/17	65.0	5	5
03/22/17	65.0	5	5
03/24/17	65.5	5	5.5
03/26/17	65.5	5	5.5
03/30/17	65.5	5	5.5
04/03/17	67.0	5	7
04/08/17	68.0	5	8
04/11/17	69.0	5	9
04/15/17	69.0	5	9



04/19/17	72.0	6	0
04/23/17	73.0	6	1
04/27/17	73.0	6	1
05/01/17	74.0	6	2
05/05/17	75.0	6	3
05/09/17	75.0	6	3
05/13/17	73.5	6	1.5
05/17/17	74.5	6	2.5
05/21/17	76.0	6	4
05/25/17	77.0	6	5
05/29/17	77.0	6	5
06/03/17	78.0	6	6
06/07/17	79.0	6	7
06/11/17	80.0	6	8
06/15/17	81.0	6	9
06/19/17	82.0	6	10
06/23/17	83.0	6	11
06/27/17	85.0	7	1
07/01/17	86.0	7	2
07/09/17	89.0	7	5
07/17/17	91.0	7	7
07/27/17	94.0	7	10
08/12/17	99.0	8	3
08/26/17	103.0	8	7
09/09/17	107.0	8	11
09/30/17	112.0	9	4
10/28/17	118.0	9	10
11/26/17	122.0	10	2
01/21/18	118.0	9	10

## **Barry, Robert**

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**From:** rodjones49@gmail.com  
**Sent:** Sunday, July 08, 2018 4:47 PM  
**To:** Barry, Robert  
**Subject:** North Avenue Estates  
**Attachments:** Letter to Robert Barry\_07.07.2018.docx

Mr. Barry,

Please find attached my letter regarding the proposed development.

Thank you,  
Rod Jones

To: Mr. Robert Barry, Chief Analyst

From: Rodney Jones, 3112 Laurashawn Ln., Escondido, 92026

Subject: North Avenue Estates

My personal concerns have been written in two letters by the North Avenue/Laurashawn Ln Homeowners of which you have received copies. Today I would like to emphasize our main concern, the potential impact to our septic systems, and then two other issues that have arisen that may have not have had the emphasis that they need.

**Water:** The hills to the north of our inland valley form a horse shoe shaped water shed, that at one time was highlighted on the City of Escondido's web site. For the 33 years my family has lived here that water shed has drained into the concrete drainage culvert that intersects Laurashawn Ln and that then empties into an earthen creek bed through the Brookside development which is roughly parallel to North Broadway. According to records obtained 10 years ago by an Environmental Engineer we home owners used, there was a blue line creek that ran along Laurashawn Ln and generally where North Avenue Estates are proposed. Several things need to be recognized about the drainage of that water shed: 1) the drainage channel is not adequately maintained by the county, especially where it intersects North Avenue and by the city through the Brookside development. 2) About every 7 to 10 days the Rincon/Del Diablo Water Districts has been flushing thousands of gallons of water into the channel watering the undergrowth in the channel. This has something to do with the amount of chlorine in their water supply. 3) There is a breach near the north end of the channel along Kaywood Dr. that for years has allowed water to flood onto the North Avenue Estates site. 4) In wet years, the water shed run off creates a secondary "creek" over the water authority's access road with a volume like what drains through the concrete channel. 5) The water table rises significantly during the rainy months. 6) And my main point: No matter what the engineers do to contain run off from the North Avenue Estate site, the water shed is going to drain! Where is that water going to go if the developers in effect build a dam with compacted soil? Where is the seasonally high ground water going to go in the wet years? The volume of water coming from those hills in some years has been amazing, and I doubt if the county or even the state have adequate measurements of that run off. The bottom line is there is significant potential for flooding, especially into Brookside, and potential harm to our septic systems from ground water that has no where else to go.

**Traffic and Environment:** With the proposed 380 homes approved for the old Escondido Country Club site, and according to the city's own web site at the time the city council approved this project, there were 750 single family residences in progress or in the final planning stages north of Sheridan Ave, and the Vons shopping center at Nutmeg and El North Ave. For the 270

some homes in the Shea Homes, K.B. Homes, and Lennar Developments the city had a center turn lane added to N. Ash St, south of Vista Ave, a traffic signal at Vista Ave and N. Ash, a little widening of the road on N. Ash and sidewalks primarily for student at Rincon Middle School. And all way stops at Rincon Ave and N. Ash and Rincon Ave at Conway Dr. These sidewalks and stop signs were years overdue. As it is, trying to turn onto North Ave from Laurashawn Ln. when Reidy Creek School is opening, or closing is very very difficult. And parent's cars are frequently parked along North Ave. from N. Broadway to Conway Dr. The parking is so inadequate at Reidy Creek School and again at N. Broadway Elementary which is located at the corner of Country Club and N. Broadway that traffic often backs up. Back in the late 1970s or early 1980s the city decided to prioritize the east west flow of traffic and traffic has only gotten worse north to south in Escondido. With 750 housing units planned or in progress how is a 10-year-old environmental impact report adequate? Are the city's development fees enough to cover future improvements such as widening roads, water, water recycling, and sewer capacity?

**City of Escondido:** It seems to me that the City of Escondido has turned a deaf ear to our concerns and they have cancelled concessions approved with Tract 916, like only 1 story homes adjacent to our 1 story homes on Laurashawn Ln and Kaywood Dr. And at the time of the city council's approval, their attorney stated that they have no liability to adjacent home owners. When asked about risk to the city by Councilwoman Olga Diaz – because we are in the county and they are the city he stated that we have no recourse with the city should we have problems from the building of North Avenue Estates. And in one of the reports it stated that our only possible recourse, if there were issues, would be with the new HOA for the homes to be built. As stated here we have little or no protection should problems arise, and from the beginning 10 plus years ago we stated our concerns, and nothing has really changed.

The city offered us annexation at a minimum of \$35,000 per home, that's with everyone saying yes. But there was no proposed plan, no discussion how annexation might be financed, etc. The city's setback requirements and required improvements are not realistic for our lots. Many of the home owners on Laurashawn Ln. are retired, others have young families, that kind of expense even if added to our annual taxes would not be workable for most. I am a certified residential appraiser and real estate broker and I am not opposed to new development. We all know that there is currently a shortage of housing in California. But governments, city, county and state have a responsibility to treat every citizen fairly, that includes developers and existing home owners like us, and I appreciate your comments in the staff report and LAFCO's level of concern for our property rights and our well-being.

## Barry, Robert

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**From:** Constance Braun <northaveareahomeowners@gmail.com>  
**Sent:** Monday, July 09, 2018 10:28 AM  
**To:** Barry, Robert  
**Subject:** RE: Tract 916 - update please

Good morning Mr. Barry,

Thank you for the information and for the invitation to comment. My concerns continue to be as expressed in our letter of Aug 17, 2017.

Given the number of new homes built in the area since the Environmental Impact negative declaration was completed, I believe the cumulative effects of these developments should be address in an updated EIR.

Given the increase in homes, I am concerned higher demand on utilities, water, electricity already in short supply. Also a concern, ingress and egress. Day to day school traffic with Reidy Creek Elementary already has an impact. Daily traffic in and out will increase and the are no new roads to accommodate increased traffic. The City of Escondido is creating a narrow peninsula of County land. For emergency services, who will we call on for help? When we are asked to evacuate again (and we will be) when wild fires threaten our community again (and they will,) how will all those vehicles including horse trailers and tow vehicles get out of this neighborhood? I ask that these concerns be addressed.

Two-story homes or rooflines exceeding 20 feet in height would be inconsistent with the surrounding community and would affect my quality of life as I enjoy a mountain view. I ask that those high rooflines be eliminated or carefully limited in this project.

In our letter, we asked to be made aware of potential code or building conditions that will affect our properties, homes, utilities or services in the future. Our question includes but is not limited to the impact of installing sewer and change in emergency services. We haven't received a response to that.

I'm worried about seasonal high groundwater and storm water run-off. In the 27 years that I've lived here, we've seen that field completely flooded during particularly rainy years. Almost every year the ground in the field becomes completely saturated. My yard is higher than the field and my yard hasn't flooded. My septic works. Excavating the alluvial soil, filling, compacting, raising the elevation of the field to build homes, driveways and road will change the flow of rain/storm water that currently doesn't harm my home. I urge LAFCO to keep the condition of approval regarding impact to surrounding septic systems and expand that condition to include flooding.

My comments here are abbreviated and I stand with my neighbors in our community and share all of their concerns. I respect the time and energy your staff is devoting to the evaluation. I appreciate LAFCO's consideration and hope you are able to include our concerns in your evaluation.

Thank you  
Connie Braun  
3024 Laurashawn Lane  
Escondido CA 92026  
760-310-5648

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**From:** Barry, Robert [mailto:Robert.Barry@sdcounty.ca.gov]  
**Sent:** Wednesday, June 13, 2018 11:47 AM

**To:** Constance Braun; kjones3112@gmail.com

**Subject:** RE: Tract 916 - update please

Hi Connie,

The Preliminary Staff Report was distributed on Monday and is attached. The proposal will be heard by LAFCO later in the year. Please let me know if you have any questions.

Thanks,

Robert

**Robert Barry, AICP**

Chief Analyst, San Diego LAFCO

9335 Hazard Way, Suite 200

San Diego, CA 92123

858 614-7788

[www.sdlafco.org](http://www.sdlafco.org)

**From:** Constance Braun [<mailto:northaveareahomeowners@gmail.com>]

**Sent:** Monday, June 11, 2018 1:31 PM

**To:** Barry, Robert <[Robert.Barry@sdcounty.ca.gov](mailto:Robert.Barry@sdcounty.ca.gov)>; [kjones3112@gmail.com](mailto:kjones3112@gmail.com)

**Subject:** Tract 916 - update please

Hello Robert (and Kathy)

I've been wondering if there have been further developments at LAFCO on Tract 916. Has LAFCO received the application, is it being reviewed or has it been approved or denied, are there conditions?

I appreciate your help on this

Thank you

Connie Braun

3024 Laurashawn Lane

Escondido CA 92026

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**From:** Ann F. Dolmage [<mailto:adolmage@escondido.org>]

**Sent:** Thursday, November 09, 2017 4:44 PM

**To:** 'Constance Braun'

**Subject:** RE: Surveys sent to North Ave Area Homeowners -Tract 916

Hi Connie,

Attached to this email, please find a response to the letter you gave us in August. A hard copy was also mailed to you today, and a hearing notice will be going out on Monday for the 11/28 Planning Commission hearing.

Thank you,

Ann Dolmage  
Associate Planner  
City of Escondido

(760) 839-4548  
[adolmage@escondido.org](mailto:adolmage@escondido.org)



**From:** Constance Braun [<mailto:northaveareahomeowners@gmail.com>]  
**Sent:** Saturday, November 04, 2017 11:24 AM  
**To:** Ann F. Dolmage <[adolmage@escondido.org](mailto:adolmage@escondido.org)>  
**Subject:** RE: Surveys sent to North Ave Area Homeowners -Tract 916

Good morning!  
Are there any updates or scheduled meetings regarding Tract 916?  
Please let me know  
Thank you  
Connie Braun  
3024 Laurashawn Lane  
Escondido CA 92026

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**From:** Ann F. Dolmage [<mailto:adolmage@escondido.org>]  
**Sent:** Monday, August 28, 2017 8:58 AM  
**To:** 'Connie Braun'; Bill Martin; Mike Strong; [robert.barry@sdcounty.ca.gov](mailto:robert.barry@sdcounty.ca.gov)  
**Cc:** [kjones3112@gmail.com](mailto:kjones3112@gmail.com); Bethany L  
**Subject:** RE: Surveys sent to North Ave Area Homeowners -Tract 916

Hi Connie,

I just wanted to let you know that we've received the revised version of your original letter, as well the second letter you also attached to this email.

Both letters have been shared with the applicant team, and they are taking the issues raised in them under advisement as they continue to revise their project design. When we are at the point of scheduling a public hearing, my staff report will include a discussion of comments received on the project, including yours (and your letters, plus any others we receive, will be included as attachments for the Planning Commission to read). All residents within 500' of the project site will receive a notice of that public hearing about two weeks in advance, and the staff report will be made available on our website (the link will be included in the hearing notice).

Thank you,

**Ann Dolmage**  
Associate Planner  
City of Escondido  
201 North Broadway  
Escondido, CA 92025  
(760) 839-4548 (phone)  
(760) 839-4313 (fax)  
[adolmage@escondido.org](mailto:adolmage@escondido.org)



**From:** Connie Braun [<mailto:northaveareahomeowners@gmail.com>]

**Sent:** Thursday, August 17, 2017 9:10 PM

**To:** Bill Martin <[bmartin@escondido.org](mailto:bmartin@escondido.org)>; Mike Strong <[mstrong@escondido.org](mailto:mstrong@escondido.org)>; Ann F. Dolmage <[adolmage@escondido.org](mailto:adolmage@escondido.org)>; [robert.barry@sdcounty.ca.gov](mailto:robert.barry@sdcounty.ca.gov)

**Cc:** [kjones3112@gmail.com](mailto:kjones3112@gmail.com); Bethany L <[bethany.lee.getz@gmail.com](mailto:bethany.lee.getz@gmail.com)>

**Subject:** Surveys sent to North Ave Area Homeowners -Tract 916

Good morning

The City of Escondido Planning department sent out surveys to homeowners/residents regarding the North Ave Area proposed development (Tract 916.) Many of the homeowners expressed concern about the surveys, their purpose and the deadline to respond. We've prepared a letter addressing some of these concerns.

Earlier this week, we sent over a letter regarding the proposed development. That letter contained a typo in paragraph 4. We have corrected the paragraph that now states that the 10 year old EIR does not address the current situation. We have attached that revised letter and we ask that you remove the original letter from the file and use this revision moving forward.

Thank you for your time and we look forward to hearing from you.

Yours,  
North Ave Area Homeowners  
Connie Braun



## **Barry, Robert**

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**From:** Kathy Jones <kjones3112@gmail.com>  
**Sent:** Monday, July 09, 2018 4:30 PM  
**To:** Barry, Robert  
**Subject:** Tract 916

Hi Robert,

Regarding groundwater issues of Tract 916, my neighbor, Tom Crittenden was told by the DEH in April 2016 that historically (according to DEH records) the water table rises to less than 9 feet in the Laurashawn Lane area. His property 2942 Laurashawn is directly adjacent to western border of Tract 916. DEH concern was so great that Tom was required to modify his project, an \$8000 modification due to seasonal high groundwater. (Tom has since recorded groundwater levels. This data was sent to you.)

Thanks,  
Kathy Jones  
Sent from my iPad

## Barry, Robert

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**From:** Kathy Jones <kjones3112@gmail.com>  
**Sent:** Tuesday, July 10, 2018 3:29 PM  
**To:** Barry, Robert  
**Subject:** Fwd: Project  
**Attachments:** Proposed Leach Field Repair Recommendations Letter Written by Malcom Vinje.pdf

Hi Robert,

Attached is another evidence of high groundwater in Tract 916 area.

Thanks,  
Kathy

Sent from my iPad

Begin forwarded message:

**From:** Thomas Crittenden <[thcritt@hotmail.com](mailto:thcritt@hotmail.com)>  
**Date:** July 9, 2018 at 11:15:36 PM PDT  
**To:** Kathy Jones <[kjones3112@gmail.com](mailto:kjones3112@gmail.com)>  
**Subject: Re: Project**

Hi Kathy,

Attached is a letter written by Vinje & Middleton Engineering, Inc. addressed to DEH describing proposed changes to my leach field repair to satisfy DEH concerns. The first part of the letter makes it clear that high groundwater issues exist in the area.

Tom

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**From:** Kathy Jones <[kjones3112@gmail.com](mailto:kjones3112@gmail.com)>  
**Sent:** Sunday, July 8, 2018 2:33 PM  
**To:** [thcritt@hotmail.com](mailto:thcritt@hotmail.com)  
**Subject:** Project

Hi Tom,

Might you have anything in writing from DEH about the high groundwater? (I'm writing to LAFCO)

Thanks,  
Kathy

Sent from my iPad

# VINJE & MIDDLETON ENGINEERING, INC.

2450 Auto Park Way  
Escondido, California 92029-1229

Phone (760) 743-1214  
Fax (760) 739-0343  
vinje.middleton@sbcglobal.net

## **Job #16-145-S**

Date: May 12, 2016

County of San Diego  
Department of Environmental Health  
Land and Water Quality Division, Land Use Program  
Attention: Mr. Eric Klein, REHS  
Supervising Environmental Health Specialist  
5500 Overland Avenue, Suite 210  
San Diego, CA 92123

### **PROPOSED LEACH FIELD REPAIR RECCOMENDATIONS FOR UNPERMITTED SYSTEM INSTALLATION AT 2942 LAURASHAWN LANE, ESCONDIDO, CA 92026**

Mr. Tom Crittenden, owner of the above-referenced property, installed an unpermitted repair to his leach field in late-March 2016 and was issued an official Notice of Violation on April 1, 2016. Mr. Crittenden installed 240 linear feet of chambers in approximately 4-foot deep trenches in an area that is documented to have elevated groundwater under conditions of normal recharge. The unpermitted system is currently operating in violation of San Diego County Code and therefore, must be removed or modified. Accurate as built drawings and cross sections of the unpermitted system have been provided, and will be useful during system reconstruction.

Due to known high groundwater conditions in the area a groundwater observation hole was excavated and Mr. Kline made ground water readings as necessary. On April 19, 2016, Mr. Kline collected groundwater depth observations from this on-site deep hole and three others located on another property approximately 400 feet to the west and slightly higher in elevation. The depth to groundwater on the subject property was 12'6". Groundwater depth in the deep holes to the west ranged from 14'1" to 15'8" and showed an approximately 6.5 – 7 foot variation with readings collected in March 2007.

It is highly unlikely that the required 5-foot groundwater separation can be maintained on Mr. Crittenden's lot under conditions approximating normal to above-normal rainfall and recharge, especially with the currently constructed 4-foot deep trenches. However, the groundwater readings collected on April 19, 2016 indicate adequate separation on that date and allow the Health Department to issue a conventional septic permit for repair purposes only. Based on the historic groundwater levels for the lot to the west, we could apply a 6.5 -foot rise under conditions of normal recharge and estimate that

# VINJE & MIDDLETON ENGINEERING, INC.

2450 Auto Park Way  
Escondido, California 92029-1229

Phone (760) 743-1214  
Fax (760) 739-0343  
vinje.middleton@sbcglobal.net

groundwater would rise to at least  $12'6'' - 6'6'' = 6'$  under normal recharge. This would constitute a clearly unacceptable groundwater separation with the existing 4-foot deep trenches.

Based on the Health Departments willingness to permit a conventional system repair, the following numbered items must be addressed. The most cost-effective way to achieve this is to remove the unpermitted system and re-install it in trenches two feet below grade. Although not ideal, adequate separation could be maintained during the vast majority of the year protecting groundwater and greatly minimizing the possibility of system failure, including sewage backup.

The following design parameters and conditions of approval apply to the system:

1. Effluent from the existing septic tank must be gravity fed to a pump chamber
2. The pump system is to be designed by a California-licensed engineer and include 100% emergency storage. A cross section with basic calculations is required prior to permit issuance
3. Effluent will be pumped to an adequately sized surge tank and gravity fed to chambers installed at 2-foot depth
4. The existing leach line trenches may be utilized but the soil in the bottom of the trenches must be compacted under the direct supervision of the design engineer using a procedure specified by the engineer
5. The existing chambers can be removed and reinstalled at 2-foot depth. The topography of the site requires the installation of a level system
6. The existing distribution box must be removed and either active crossovers or 4", SDR-35 tight line pipe installed to connect the leach lines

If you have any questions or require further clarification, please do not hesitate to contact our office. Reference to our job #16-145-S will help to expedite a response to your inquiry.

**VINJE & MIDDLETON ENGINEERING, INC.**

# VINJE & MIDDLETON ENGINEERING, INC.

2450 Auto Park Way  
Escondido, California 92029-1229

Phone (760) 743-1214  
Fax (760) 739-0343  
[vinje.middleton@sbcglobal.net](mailto:vinje.middleton@sbcglobal.net)

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Ralph M. Vinje      GE #863

## Barry, Robert

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**From:** JJ K <jaysonknack@gmail.com>  
**Sent:** Tuesday, July 24, 2018 9:48 AM  
**To:** Barry, Robert  
**Subject:** North Avenue Estates Reorganization

Hi Robert -

Below is a copy of an email I just sent to Supervisor Horn's office. I am forwarding it to you so that you are aware that he has been notified of my concerns.

thanks,

Jayson Knack

----- Forwarded message -----

From: JJ K <[jaysonknack@gmail.com](mailto:jaysonknack@gmail.com)>  
Date: Tue, Jul 24, 2018 at 9:46 AM  
Subject: North Avenue Estates Reorganization  
To: <[bill.horn@sdcounty.ca.gov](mailto:bill.horn@sdcounty.ca.gov)>

Supervisor Horn -

I am writing today to express my concern regarding the development of track 916, known also as North Avenue Estates.

I am a home owner at 2934 Laurashawn Ln which abuts the development on it's western edge. I am writing to you because the development is currently under review with LAFCO and I have been told that LAFCO has sent a geotechnical study provided by the developer to the DEH for a third party review.

That geotechnical study was conducted in November 2017 at the end of 2 very dry winters. I live in the very south/southwest corner of the proposed development and have serious concerns about the height of our water table (which previous DEH reports show is very shallow), it's effects on my septic leach field percolation rate in years where we have 100% or more of expected rainfall. The developers proposed 12 foot swale does not effect or mitigate the effects on the water table we will share with the proposed development

I request following conditions be considered.

Third-party engineering condition is re-established regarding future septic failure. This was a condition of LAFCO the last time this development was under review. How can we, as existing homeowners, have no recourse if we can attribute septic failure to grading/hardening of the proposed development? Alternatively, the developer at his/her expense improve and connect (to sewer) the length of Laurashawn Ln that is effected by the proposed development.

I hope that you will consider this matter and balance the interests of existing residents, with those of developers who stand to profit significantly from annexation into the city of Escondido and the significant increase in housing density that this affords them.

Sincerely,

Jayson Knack  
2934 Laurashawn Ln, Escondido CA 92026  
858 449 5661

## Barry, Robert

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**From:** Leonard KURKA <k8568@sbcglobal.net>  
**Sent:** Saturday, July 28, 2018 2:15 PM  
**To:** Barry, Robert  
**Subject:** Escondido Proposal TR916

Mr. Barry

I'm writing you in regards to the City of Escondido's proposed development TR916. I've already written to Supervisor Horn and Assemblywoman Marie Waldron regarding this development. You can remember that when this development came up for consideration before it was LAFCOs position at that time that the homeowners on Laurashawn Lane were in need of assurance that if the septic systems began failing as a result of the development that a remedy would already be in place for the homeowner to hook up to sewer. As before we (the homeowners) still have those same concerns. Since the last proposal a number of homes on North Ave, have had to hook up to the now existing sewer line on North Ave. I believe that this is the result of the "Brookside" development to the south. When I moved here in 1975 that area was inactive farm land with a running creek that ended up meeting the creek that runs along Jesmond Dene. I am not against development, it might in the long run make the fire season safer for the area, but not at the cost of me losing my house. There are a number of retirees in this area who live on a fixed income. Relocation might be difficult. A sewer line up Laurashawn Lane should not prove difficult. It is a straight shot up Laurashawn from North Ave. Nowhere as difficult as the line that was run on North Broadway in 2002 to facilitate the building of Wyndemere Estates. City of Escondido Sewer manhole covers are evidence that this neighborhood does in fact have sewer service. They are still in the County area of San Diego. When we approached the City of Escondido about the possibility of running a sewer line up Laurashwn Ln. we were told that we would be responsible for placing the utilities underground , provide street lights and sidewalks in addition to paying for the sewer line so we could be annexed into Escondido City. Obviously this wasn't the case with Wyndemere Estates which I presumed the developer absorbed the cost. That development does not have sidewalks. When this TR916 proposal came before your review before even Senator Toni Atkins had expressed concerns as she had resided in a home that had a septic system. I don't think we're asking for much and I don't think that this is something that can't be accomplished.