



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

**6c**

**AGENDA REPORT**  
 Consent | Action

October 7, 2019

**TO:** Commissioners

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

**SUBJECT: Proposed “Orchard Hills Reorganization” |  
 Concurrent Annexation to the Vallecitos Water District and Detachment from  
 the Vista Irrigation District (RO19-06)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by an interested landowner with the principal action to annex 12.5 unincorporated acres outside the City of San Marcos to the Vallecitos Water District (WD). A concurrent detachment of the affected territory from Vista Irrigation District (ID) is also proposed. The proposal’s purpose is to extend Vallecitos Water District’s wastewater and water services to facilitate the development of the affected territory into a 20-lot residential subdivision titled “Orchard Hills” consistent with an earlier County of San Diego entitlement. Staff recommends approval of the proposal without modifications. Standard approval terms are also recommended along with waiving protest proceedings.

**BACKGROUND**

**Applicant Request**

San Diego LAFCO has received an application from a landowner – Warmington Residential California, Inc. – requesting approval to reorganize approximately 12.5 acres of unincorporated and undeveloped land with the principal action to annex to Vallecitos WD. A concurrent detachment from the Vista ID is also proposed. The affected territory as

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**San Diego LAFCO**

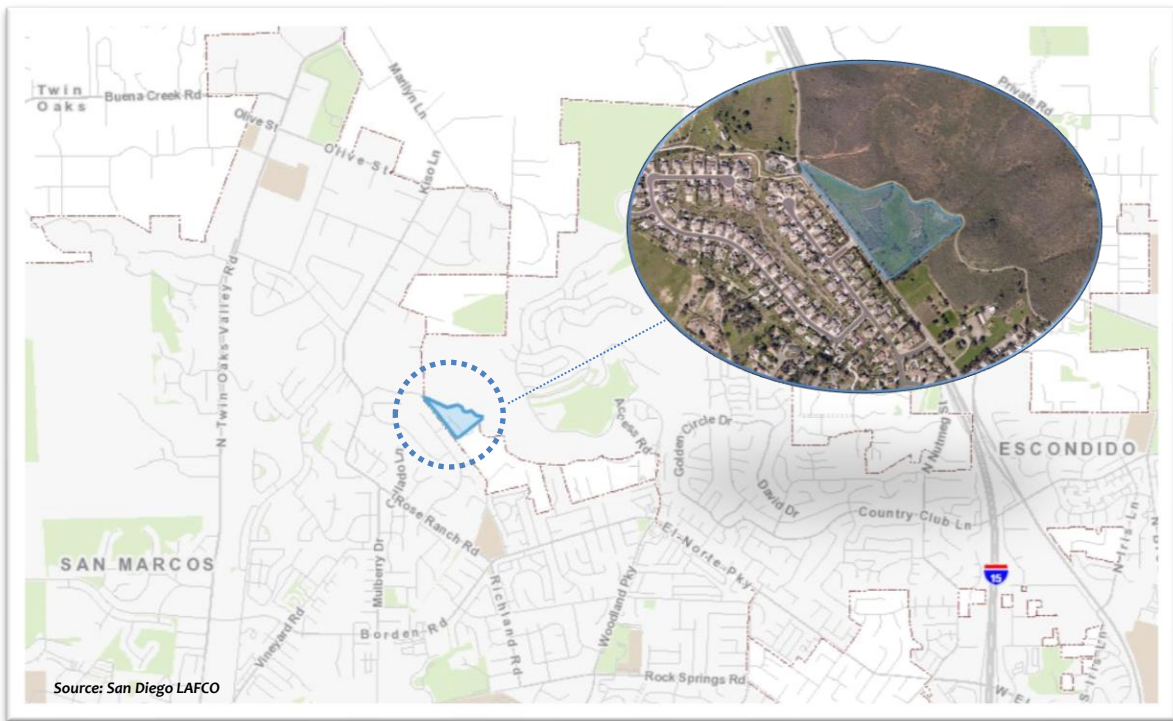
October 7, 2019 Regular Meeting

Agenda Item No. 6c | Orchard Hills Reorganization (RO19-06)

submitted includes two vacant parcels located along Richland Road near its intersection with Tide Way and immediately adjacent to the Cities of San Marcos and Escondido. The two subject parcels are 9.8 and 0.9 acres in size and identified by the County of San Diego Assessor’s Office as 218-220-10 and 218-220-17, respectively. A 1.8-acre frontage segment of Richland Road is also included in the reorganization. The affected territory lies entirely within Vallecitos WD’s sphere of influence.

**Affected Territory**

The following map shows the approximate location of the affected territory in context to the greater San Marcos region. Attachment One shows the affected territory relative to the proposed boundary changes involving the subject agencies.



**Subject Agencies**

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: Vallecitos WD and Vista ID.<sup>1</sup> Summaries of both subject agencies in terms of resident population, municipal service activities, and financial standing follows.

(continued)

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

- Vallecitos WD is an independent special district formed in 1955 and spans approximately 28,800 acres or 45 square miles with 51% overlapping the City of San Marcos. Most of the remaining jurisdictional boundary extends into the unincorporated communities of Twin Oaks and Deer Springs. A five-member Board of Directors oversees Vallecitos WD's three municipal service activities: (a) potable water; (b) recycled water; and (c) wastewater. The estimated resident population is 102,129 with an average annual growth rate of 1.9% since 2010. LAFCO established a sphere of influence for Vallecitos WD in 1985, which was last updated in 2007 with a larger-than-agency designation to include 2,150 non-jurisdictional acres and equals 7.5% of the jurisdictional boundary. Vallecitos WD's audited net position is \$262.2 million as of June 30, 2018 and has increased by 5.1% over the prior three fiscal years.
- Vista ID is an independent special district formed in 1923 and spans approximately 63,569 acres or 99 square miles with 18.7% overlapping the City of Vista. Most of the remaining jurisdictional boundary extends into the City of San Marcos and the unincorporated community of Twin Oaks.<sup>2</sup> A five-member Board of Directors oversees Vista ID's one municipal service activity: (a) potable water. The estimated resident population is 134,829 with an average annual growth rate of 1.1% since 2010. LAFCO established a sphere of influence for Vista ID in 1988, which was last updated in 2007 with a smaller-than-agency designation to exclude 43,459 jurisdictional acres and equals 68.4% of the District boundary. Vista ID's audited net position is \$112.7 million as of June 30, 2018 and has increased by 6.2% over the prior three fiscal years.

### Affected Local Agencies

The affected territory lies within the jurisdictional boundaries directly subject to San Diego LAFCO and as such qualify as "affected agencies" relative to the proposed reorganization.<sup>3</sup>

- San Marcos Fire Protection District
- County Service Area No. 135 - Regional Communications
- North County Cemetery District
- San Diego County Water Authority
- Metropolitan Water District of Southern California
- Resource Conservation District of Greater San Diego County
- San Diego County Flood Control District
- San Diego County Street Lighting District
- Palomar Health Healthcare District
- Vista Irrigation District

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<sup>2</sup> Vista ID's service area includes the Lake Henshaw territory that lies outside of the County Water Authority boundary.

<sup>3</sup> State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

## DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal and the principal action to annex the affected territory to the Vallecitos WD. An associated boundary change to concurrently detach the affected territory from Vista ID is also part of the requested reorganization. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to 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 the affected territory into a 20-lot single-family residential subdivision by making available public wastewater and water services. This planned development has been entitled by the County of San Diego as the current land use authority through its earlier approval of a tentative subdivision map applying to both subject parcels in December 2014. The County conditioned its approval, notably, on the applicant securing water and wastewater service connections with Vallecitos WD. Vallecitos WD has separately conditioned its will-serve letters to require detachment from Vista ID.

### Development Potential

The County of San Diego contemplates residential development of the affected territory as part of its North County Metro Community Planning Area. This includes designating all of the affected territory as Village Residential with a density assignment of up to 2.9 dwelling units per acre. The County separately zones the affected territory as Light Agriculture (A70) with a minimum lot size of 15,000 square feet or 0.35 acres. This latter assignment produces a maximum density within the two subject parcels of 31 lots less any applicable setback and ancillary dedications. The County has approved a residential subdivision and development of 20 single-family residences, which produces the equivalent of 1.9 dwelling units per acre. No further development other than accessory units would be feasible due to slope conditions and the limited size of the subject parcels.

### Commission Focus

Two central and sequential policy items underlie San Diego LAFCO's consideration of the reorganization. These policy items take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the reorganization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside of LAFCO law as detailed in the proceeding section.

## ANALYSIS

The analysis of the reorganization proposal is organized into two subsections below. The first subsection considers the two central and sequential policy issues introduced in the preceding section. This pertains to evaluating the timing of the reorganization and specifically the annexation to Vallecitos WD and concurrent detachment from Vista ID paired with whether approval modifications and/or terms are appropriate. The second subsection considers other germane issues under LAFCO law or applicable State statutes.

### Central Policy Items

#### Item No. 1 |

#### Reorganization Timing

The timing of the reorganization – and specifically the annexation of the affected territory to Vallecitos WD and concurrent detachment from Vista ID – appears appropriate and highlighted by the analysis of the factors required for consideration under LAFCO law anytime jurisdictional changes are proposed. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the *receiving agency*, Vallecitos WD (emphasis added). No single factor is determinative. A summary of key conclusions generated in the review of these items follows with additional analysis provided in Appendix A.

- Service Needs

The reorganization involves unincorporated territory located within Vallecitos WD's sphere of influence and adjacent to its jurisdictional boundary. Annexation of the affected territory to Vallecitos WD would represent an anticipated and orderly expansion of the District's jurisdictional boundary and provision of wastewater and water services therein consistent with planned residential land uses. Additional details on serve needs follow.

- The Commission has previously designated Vallecitos WD as the appropriate long-term wastewater and water provider for the affected territory through the standing inclusion of the subject land within the District's sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to petition LAFCO for initiation of proceedings.
- Annexation of the affected territory to Vallecitos WD for purpose of establishing permanent public wastewater and water services is consistent with the adopted residential land use policies of the County of San Diego. Annexation is also – pertinently – consistent with the land use policies contemplated for the affected territory by the City of San Marcos; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the subject lands standing inclusion in the City's sphere.



- The County of San Diego’s approval of a 20-lot residential subdivision for the affected territory helps to quantify the annexation to Vallecitos WD is appropriate by synching the timing of the boundary change with a known and pending development action.
  
- Service Capacities and Levels

Vallecitos WD has sufficient and excess wastewater and water system capacities to accommodate projected service demands within the affected territory at its potential maximum uses without significant expansion of any public infrastructure. Additional details on relevant service capacities and levels follow.

  - An existing Vallecitos WD 8-inch wastewater main is located approximately 1,000 feet from the affected territory within the intersection of Richland Road and Tuscany Avenue public rights-of-way. Vallecitos WD projects the average day wastewater demand generated within the affected territory based on the approved 20-lot subdivision at 5,795 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.5% of its available contract capacity remaining at the assigned treatment facility based on current system demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day wastewater flow to 11,590 gallons per day or 1.0% of the remaining available capacity.
  
  - An existing Vallecitos WD 12-inch water main is located immediately adjacent to the affected territory along the Richland Road public right-of-way. Vallecitos WD projects the average day water demand generated within the affected territory based on the approved 20-lot residential subdivision at 17,556 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.02% of its available supply capacity remaining within its connected distribution system based on recent demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day water demand to 35,112 gallons per day or 0.05% of the remaining available capacity.
  
- Service Funding and Costs

Vallecitos WD has the financial resources coupled with administrative controls to provide wastewater and water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Vallecitos WD’s recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.3%.<sup>4</sup>

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<sup>4</sup> Audited statements cover FY2016, 2017, and 2018.

### Conclusion | Merits of Reorganization Timing

The timing of the reorganization and annexation therein of the affected territory to Vallecitos WD is warranted. Justification is marked by accommodating the planned development of the affected territory consistent with County of San Diego land use policies in a manner that reflects available infrastructure and capacities. Approval also – pertinently – consolidates water and wastewater services under a single provider. Additional analysis supporting the conclusion is provided in Appendix A.

### Item No. 2 |

#### Modifications and Terms

No boundary modifications to the reorganization proposal have been identified by staff meriting consideration by San Diego LAFCO at this time. Staff relatedly recognizes the affected territory lies in the City of San Marcos' sphere of influence and reflects the Commission's policy expectation the lands ultimately annex to the City. The decision by the landowner to pursue a development project with the County coupled with no documented requests or comments otherwise from San Marcos substantively suggests annexation to the City would be premature based on these local conditions.<sup>5</sup> Standard approval terms are separately recommended.

### Conclusion | Modifications and Terms

No modifications appear warranted. Standard terms are recommended.

### 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 San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax exchange agreement applicable to the proposed reorganization. The application of this master tax exchange agreement will result in a transfer of property taxes in year one totaling \$14.35 from Vista ID to Vallecitos WD.<sup>6</sup>

<sup>5</sup> As part of a broad and regional discussion it would be appropriate for LAFCO, County, and San Marcos to discuss opportunities to time the annexation of lands within the existing San Marcos sphere to the City following land use entitlement as part of future municipal service reviews.

<sup>6</sup> The County Assessor and Auditor have identified the total assessed valuation for the affected territory as \$309,642 with corresponding annual property tax revenue of \$3,096. Current property tax revenue allocation to the County is \$527.84 and a total of \$14.35 will be transferred from Vista ID to Vallecitos WD should the Commission approve the reorganization proposal.

## Environmental Review

The California Environmental Quality Act (CEQA) requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission's statutory authority. Accordingly, San Diego LAFCO is tasked with making one distinct determination as responsible agency under CEQA with respect to considering the proposed reorganization and the associated boundary changes. Staff's analysis and recommendations follow.

- The County of San Diego serves as lead agency under CEQA for the reorganization and boundary changes therein to annex all of the affected territory to Vallecitos WD and concurrent detachment from Vista ID. The County has determined this activity and associated development entitlement is a project under CEQA but exempt from further review under State CEQA Guidelines Section 15183. Staff independently concurs the County has made an appropriate determination this exemption adequately applies given the affected territory involves an annexation of land planned for development consistent with a community plan and zoning.

## Protest Proceedings

Protest proceeding for the reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under statute.<sup>7</sup> The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agencies have not filed objections, and the landowner has consented to the underlying actions as the initiating petitioner.<sup>8</sup>

## RECOMMENDATION

Staff recommends approval of the reorganization proposal without modifications along with standard terms based on the analysis provided in the preceding analysis. This recommendation is consistent with Alternative One in the proceeding section and would generate the following jurisdictional boundary changes in San Diego County:

- Annexation of all 12.5 acres of the affected territory to Vallecitos WD.
- Detachment of all 12.5 acres of the affected territory from Vista ID.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

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<sup>7</sup> Reference to Government Code Section 5662.

<sup>8</sup> LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.



Alternative One (recommended):

Adopt the attached draft resolution approving the reorganization proposal without modifications and with standard terms.

Alternative Two:

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

Alternative Three:

Disapprove the reorganization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

**PROCEDURES FOR CONSIDERATION**

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified.

On behalf of the Executive Officer,



Robert Barry, AICP  
Chief Policy Analyst

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Landowner Petition

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## APPENDIX A

### Government Code Section 56668

#### Proposal Review Factors

- 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 areas, during the next 10 years.**
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The affected territory is approximately 12.5 acres in size. It is and divided between two undeveloped parcels (218-220-10 and 218-220-17) totaling 10.74 acres and a frontage segment of Richland Road totaling 1.76 acres. The affected territory is part of a small unincorporated area adjacent to the Cities of San Marcos and Escondido and located entirely within the San Marcos sphere of influence. The affected territory is south of Deer Springs Road, east of N. Twin Oaks Valley Road, north of Borden Road, and west of I-15. The County has tentatively approved a 20-lot residential subdivision for the two subject parcels consistent with its land use policies with conditions that include annexation to Vallecitos WD and connection therein to the District's wastewater and water systems. No significant growth is anticipated in the surrounding area within the next 10-year period. Total assessed value (land and structures) in the affected territory is \$309,642 as of July 2019.

- b) **The need for municipal services; the present cost and adequacy of municipal 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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The County of San Diego acts as the primary purveyor of general governmental services to the affected territory. This includes community planning, roads, and public safety with the latter including law enforcement via the County Sheriff. Other pertinent service providers include San Marcos Fire Protection District (fire protection and emergency medical) and County Service Area 135 (regional communications). The affected territory is also within Vista ID but has not established water service to date. This proposal affects wastewater and water services and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

Connection to Vallecitos WD's wastewater system is readily available through an approximate 1,000-foot extension of an existing main located within the adjacent Richland Road public right-of-way. The main will be extended within Richland Road to the affected territory and accessed through a private extension serving the proposed subdivision with laterals to individual lots. The affected territory lies within Vallecitos WD's "Encina Basin" within collection sent to the Encina Water

Pollution Control Facility for treatment and ocean discharge.<sup>9</sup> Vallecitos WD projects the average day wastewater demand generated within the affected territory based on the approved 20-lot subdivision at 5,795 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.5% of its available contract capacity remaining at the Encina Facility based on current system demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day wastewater flow to 11,590 gallons per day or 1.0% of the remaining available capacity.

- **Extending Public Water to Affected Territory**

Connection to the Vallecitos WD water system is readily available through extension of an existing water main located within the adjacent Richland Road public right-of-way. A private extension will connect the subdivision to the main with laterals to individual lots. Vallecitos WD receives nearly all of its potable water supplies from the San Diego County Water Authority through five treated water valve connections. Vallecitos WD projects the average day water demand generated within the affected territory based on the approved 20-lot subdivision at 17,556 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.02% of its available supply capacity remaining within its connected distribution system based on recent demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day water demand to 35,112 gallons per day or 0.05% of the remaining available capacity.

**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 proposal and annexation to Vallecitos WD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in 1985 when the Commission included the entire area into Vallecitos WD's sphere of influence and signaling the lands would eventually warrant public wastewater and water services from the District when appropriate. This latter comment is further substantiated given the Commission separately excluded the affected territory from any other wastewater and water service providers' spheres.

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

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The affected territory is proposed for subdivision into 20 single-family residential lots. Approving the proposed reorganization and annexation to Vallecitos WD would facilitate the establishment of public wastewater and water services to support the planned development in accordance with County of San Diego's land use policies. To this end,

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<sup>9</sup> The Encina Wastewater Authority operates the Encina Water Pollution Control Facility on behalf of its five member agencies: WD; Leucadia Wastewater District; Buena Sanitation District; City of Encinitas; and City of Carlsbad.

approval would be consistent with the Commission’s adopted policies to sync urban type uses with urban type services. None of the affected territory includes lands qualifying as “open-space” as defined under LAFCO law and the proposal therefore does not conflict with G.C. Section 56377.

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

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The affected territory does not qualify as “prime agricultural land” under LAFCO law. Specifically, the lands are not currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the reorganization proposal and annexation to Vallecitos WD would have no 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, the creation of islands or corridors of unincorporated territory, and other similar matters.**

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LAFCO is in receipt of draft maps and geographic descriptions of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization for the proposed reorganization and two concurrent boundary changes: annexation to Vallecitos WD and detachment from Vista ID. Approval would be conditioned on final maps and descriptions conforming to the referenced standards. Approval for reorganization of the affected territory would not create islands or corridors of unincorporated territory.

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

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The proposed reorganization would directly facilitate the development of the affected territory into a 20-lot residential subdivision and in relatively close proximity to two major transportation corridors in State Route 78 and Interstate 15. The proposal, accordingly, does not conflict with San Diego Forward, the regional transportation plan prepared by San Diego Association of Governments (SANDAG).

**h) Consistency with the city or county general and specific plans.**

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The proposed reorganization and its principal action to annex the affected territory to Vallecitos WD to facilitate a 20-lot residential subdivision is consistent with the County of San Diego land use policies.<sup>10</sup> The County General Plan includes the affected territory as part of the North County Metro Community Planning Area and designates the lands as Village Residential (VR-2.9). The County zones the affected territory as Light Agriculture (A-70) and allows up to 2.9 dwelling units per acre, which is equivalent to a minimum lot

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<sup>10</sup> The proposed residential lots range in size from 15,018 to 67,843 square feet. The average lot size is 22,735 square feet.

size of 0.35 acres. This produces a maximum density potential under the County of 31 lots within the two subject parcels. The affected territory also lies in the sphere of influence of the City of San Marco and signals the Commission's intention the lands ultimately will transition to the City. The reorganization proposal and the associated planned development is consistent with San Marcos' land use policies and designation of Agriculture/Residential and zoning of Residential Estate, which prescribes up to 2.0 dwelling units per acre and equivalent to a minimum lot size of 0.50 acres. This produces a maximum density potential under San Marcos of 21 lots within the two subject parcels.

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

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The affected territory lies entirely in Vallecitos WD's sphere of influence. It is separately noted the affected territory is presently within Vista ID but outside its sphere of influence. No sphere amendments are needed to accommodate the reorganization proposal.

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

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Staff provided notice of the reorganization proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report.

**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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Vallecitos WD has the financial resources coupled with administrative controls to provide wastewater and water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Vallecitos WD's recent audited statements and shows the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.3%.<sup>11</sup> Vallecitos WD's audited net position is \$262.2 million as of June 30, 2018 and has separately increased overall by 5.1% over the corresponding 36-month period. Should the Commission approve the reorganization the landowner will pay all required fees and service charges commensurate with Vallecitos WD's adopted fee ordinance in establishing wastewater and water services. A master tax agreement also applies and will result in an annual transfer of \$14.35 from Vista ID to Vallecitos WD based on current assessed values.

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<sup>11</sup> Audited statements cover FY2016, 2017, and 2018.



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

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The affected territory is presently located within Vista ID and eligible to directly connect to the District to establish domestic water service subject to infrastructure expansion. The approval of the proposed reorganization would transfer water service responsibility to Vallecitos WD. This transfer – pertinently – retains the San Diego County Water Authority as the wholesale provider for the affected territory. The Water Authority’s most recently adopted urban water management plan attests it has sufficient water supplies to meet its member agencies needs through the planning horizon of 2035 under normal and single-dry year conditions. Conservation measures, however, would likely be needed during severe and multiple dry-year conditions. To this end, Vallecitos WD has established a contingency plan to reduce water demands in the event of supply shortages consistent with recommendations from the Water Authority.

**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.**

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The proposed reorganization is intended to facilitate a subdivision for the affected territory involving 20 single-family residential lots. The proposed residential subdivision is planned for development and sale at prevalent market rates. Therefore, the proposal will not affect any local agencies in achieving their respective fair shares of the regional housing needs. All regional housing needs tied to the lands are assigned to the County of San Diego by the region’s council 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 undeveloped with no registered voters. Therefore, the affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner supports the proposed reorganization and has provided their written consent to the proceedings.

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

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See above analysis for (h).

**p) The extent to which the proposal will promote environmental justice.**

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As used in this review factor, "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. The proposed reorganization does not include locating new public facilities. Therefore, approval of the proposed reorganization is not anticipated to directly influence the promotion of environmental justice within the affected territory.

**q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.**

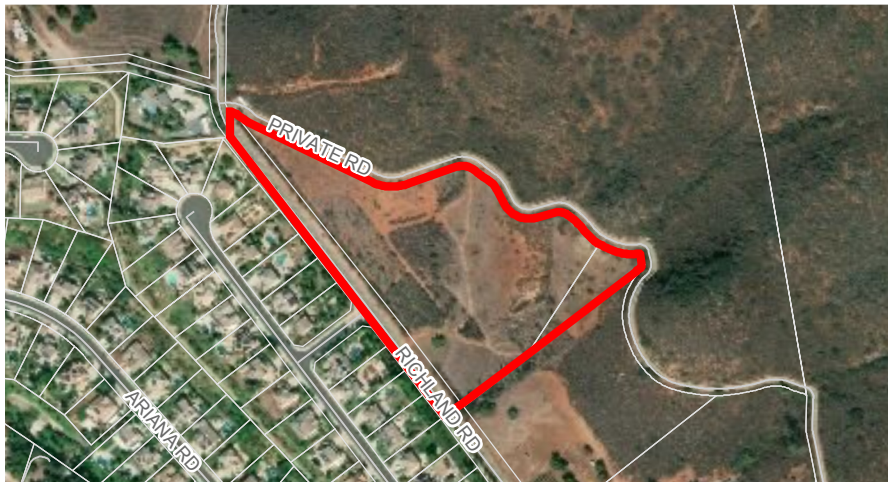
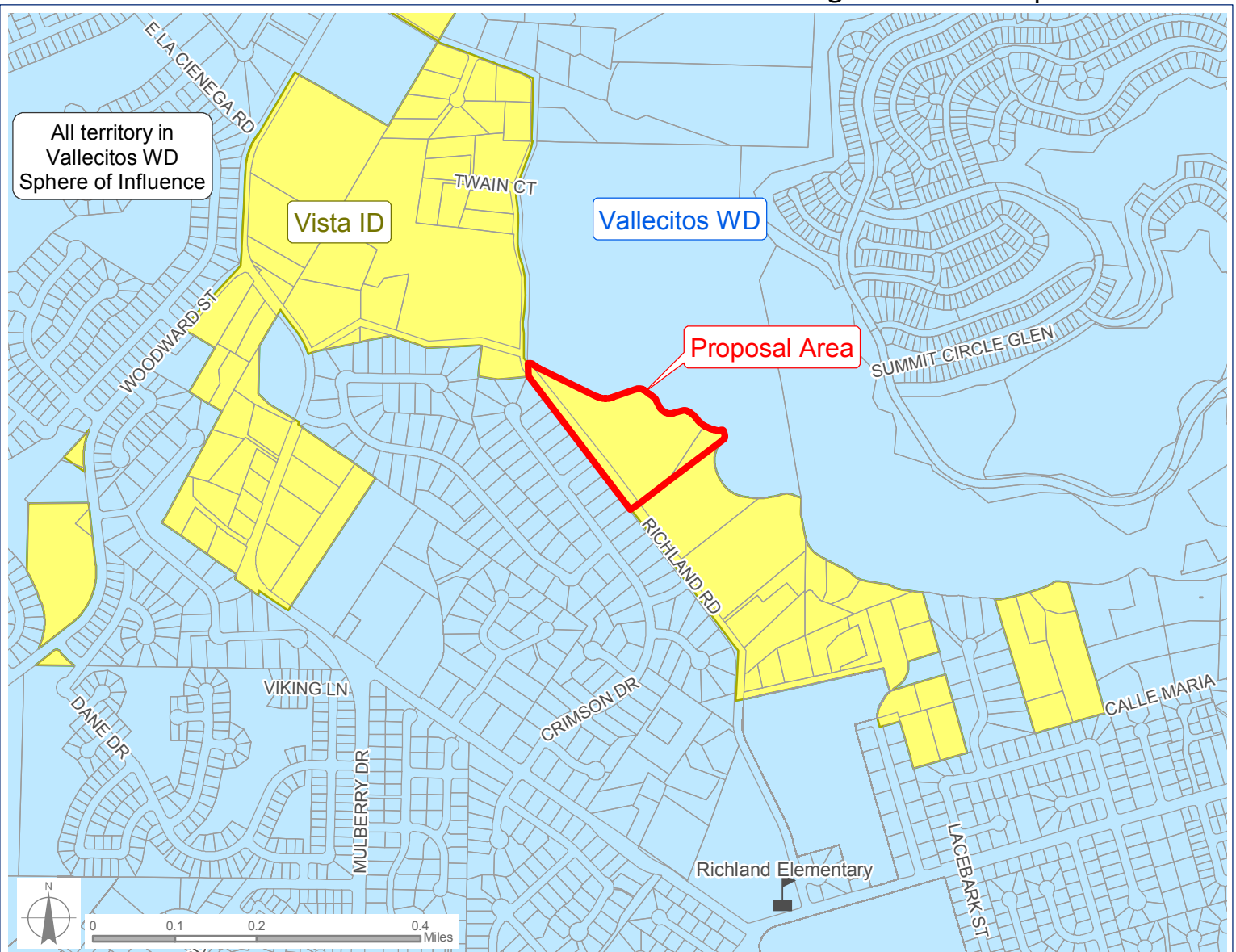
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The affected territory is entirely unincorporated and subject to the safety element of the County of San Diego General Plan. As of August 2012, the affected territory is identified on State maps as located within very high fire hazard zones and local responsibility areas. The County has adopted a Multi-Jurisdiction Hazard Mitigation Plan (HMP) for potential fire, flooding and earthquakes. The affected territory is located within the San Marcos FPD for fire protection and emergency medical services and the proposed development has an approved Fire Protection Plan. The Cities of Escondido and San Marcos are also participating agencies in the HMP and provide consistency in planning fire protection standards in the region.

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




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Approval of the reorganization proposal would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater and water services going forward.



RO19-06

**PROPOSED "ORCHARD HILLS REORGANIZATION" ANNEXATION TO VALLECITOS WD AND CONCURRENT DETACHMENT FROM VISTA ID**

-  Proposal Area
-  Vallecitos WD
-  Vista ID



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

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RESOLUTION NO. \_\_\_\_\_

**SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION**

**MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION**

**“ORCHARD HILLS REORGANIZATION”  
ANNEXATION TO THE VALLECITOS WATER DISTRICT WITH  
CONCURRENT DETACHMENT FROM VISTA IRRIGATION DISTRICT  
LAFCO FILE NO: RO19-06**

**WHEREAS**, on March 20, 2019, the landowner, Warmington Residential California, Inc., filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000, et seq.); and

**WHEREAS**, the application seeks approval for reorganization of approximately 12.55 acres of unincorporated territory and includes the principal action to annex all of the affected territory to the Vallecitos Water District; and

**WHEREAS**, the reorganization application also seeks concurrent action to detach all of the affected territory from the Vista Irrigation District; and

**WHEREAS**, an applicable master property tax exchange resolution approved by the San Diego County Board of Supervisors applies to the proposed reorganization; and

**WHEREAS**, the Commission’s Executive Officer has reviewed the proposed reorganization and prepared a report with recommendations; and

**WHEREAS**, the Executive Officer’s report and recommendations on the proposed reorganization has been presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public on October 7, 2019

**NOW, THEREFORE, BE IT RESOLVED**, the Commission hereby finds, determines, and orders the following:

1. The Commission considered the proposed reorganization at a noticed public meeting.
2. The Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer’s report on the proposed reorganization.
3. The Commission serves as responsible agency under the California Environmental Quality Act (CEQA) in considering one distinct “project” associated with the reorganization proposal and makes the following finding:

- a) The County of San Diego serves as lead agency under CEQA for the reorganization and boundary changes therein to annex all of the affected territory to the Vallecitos Water District with a concurrent detachment from Vista Irrigation District. The County has determined this activity and underlying development entitlements is a project under CEQA but is exempt from further review under State CEQA Guidelines Section 15183: projects that are consistent with a community plan or zoning. The Commission independently concurs this exemption finding is appropriate.
4. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all of the following:
  - a) Annexation of all 12.55 acres of the affected territory to the Vallecitos Water District as shown in “Exhibit A-1” and described in “Exhibit A-2.”
  - b) Concurrent detachment of the affected territory from the Vista Irrigation District as shown in “Exhibit B-1” and described in “Exhibit B-2.”
5. The Commission CONDITIONS the approvals on the following terms being satisfied by October 7, 2020 unless an extension is requested and approved by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under Government Code § 56895.
  - b) Submittal to the Commission of final maps and geographic descriptions of the affected territory and the associated boundary changes as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
  - c) Submittal to the Commission of the following payments:
    - A check made payable to LAFCO in the amount of \$50.00 to reimburse for filing notices with the County-Clerk Recorder’s Office consistent with the findings in this resolution.
    - A check made payable to LAFCO in the amount of \$730.92 to reimburse for the public hearing notice publications.
    - A check made payable to the State Board of Equalization for processing fees in the amount of \$800.00.
6. The proposal is assigned the following distinctive short-term designation:

“Orchard Hills Reorganization”
7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046. All subject landowners have provided written consent to the proposal and no subject agency has submitted written opposition to a waiver of protest proceedings.
8. The Commission waives conducting authority proceeding requirements under Government Code § 56662 and consistent with policy.
9. Vallecitos Water District and Vista Irrigation District are registered-voter districts.



10. Vallecitos Water District and Vista Irrigation District both utilize the regular assessment roll of the County of San Diego.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Vallecitos Water District as provided under Government Code § 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges of the Vallecitos Water District as provided under Government Code § 57330.
12. The effective date of the proposal shall be the date of recordation of the Certificate of Completion following completion of all terms.
13. As allowed under Government Code § 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.
14. All general terms governing annexations and detachments authorized under Government Code Section 57300-57354 apply to this reorganization.

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PASSED AND ADOPTED by the Commission on 7<sup>th</sup> of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Approve to Form:

\_\_\_\_\_  
Holly Whatley,  
Commission Counsel

Attest:

\_\_\_\_\_  
Jo MacKenzie  
Commission Chair

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**EXHIBIT A-1**

**Placeholder for Recordation**  
Map of Affected Territory  
and Annexation to Vallecitos Water District

**EXHIBIT A-2**

**Placeholder for Recordation**  
Geographic Description of Affected Territory  
and Annexation to Vallecitos Water District

**EXHIBIT B-1**

**Placeholder for Recordation**  
Map of Affected Territory  
and Detachment from Vista Irrigation District

**EXHIBIT B-2**

**Placeholder for Recordation**  
Geographic Description of Affected Territory  
and Detachment from Vista Irrigation District



# PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

## Part I: NOTICE OF INTENT TO CIRCULATE PETITION

Proponents are required to file a NOTICE OF INTENT TO CIRCULATE PETITION with the Executive Officer of the San Diego Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated (Govt. Code § 56700.4).

1. Notice is hereby given to circulate a petition proposing to: Detach from Vista Irrigation District as the current water district APN 28-28-0 & 17  
and Annex into Vallecitos Water District.

2. The reason(s) for the proposal are: Per Vista Irrigation District availability letter, they have requested the project to detach and annex  
into Vallecitos Water District Vallecitos availability letter has also requested that this project also Annex into their water district. The Conditions of Approval  
(Orchard Hills, PDS2013-3100-5570-Transmittal of Final Project Documents), from the county of San Diego dated 06/03/15 have also requested annexation per Condition 37.

Warmington Residential

Proponent's Name (print)

Signature of proponent or representative

3090 Pullman Street

Costa Mesa, CA, 92626

Proponent's Address

City, State, Zip

Pursuant to Section 56700.4 of the California Government Code, this NOTICE OF INTENT TO CIRCULATE PETITION was filed with me on \_\_\_\_\_

Date

Executive Officer (Print and Sign)

## PART II: DISCLOSURE REQUIREMENTS

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than \$250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Names of current LAFCO commissioners and LAFCO disclosure forms are available at [HTTP://WWW.SDLAFCO.ORG](http://www.sdlafco.org) or by calling 858/614 7755.

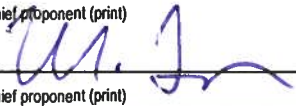
Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures.

Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of San Diego LAFCO.

**Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION**

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- (a) The specific change(s) of organization proposed is/are: Detach from Vista Irrigation District as the current water district for APN 218-220-10 &17 and Annex into Vallecitos Water District.
- (b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.
- (c) The proposed action(s) will be subject to the following terms and conditions: \_\_\_\_\_
- (d) The reason(s) for the proposal is/are: Per Vista Irrigation District availability letter, they have requested the project to detach and annex into Vallecitos Water District. Vallecitos availability letter has also requested that this project also Annex into their water district. The Conditions of Approval (Orchard Hills, PDS2013-3100-5570-Transmittal of Final Project Documents), from the county of San Diego dated 06/03/15 have also requested annexation per Condition 37.
- (e) Signers of this petition have signed as (select one):  landowner;  registered voter.
- (f) The name(s) and mailing address(es) of the chief petitioner(s) (not to exceed three) is/are:

- 1. Warmington Residential 3090 Pullman Street, Costa Mesa CA, 92626  
Name of chief proponent (print) mailing address
- 2.  \_\_\_\_\_  
Name of chief proponent (print) mailing address
- 3. \_\_\_\_\_  
Name of chief proponent (print) mailing address

- (g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.
- (h) This proposed change of organization (select one)  is  is not consistent with the sphere-of-influence of any affected city or district.
- (i) The territory included in the proposal is (select one)  inhabited (12 or more registered voters)  uninhabited (11 or less registered voters).
- (j) If the formation of a new district(s) is included in the proposal:
  - 1. The principal act under which said district(s) is/are proposed to be formed is/are: Vista Irrigation District
  - 2. The proposed name(s) of the new district(s) is/are: Vallecitos Water District
- 3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.
- (k) If an incorporation is included in the proposal:
  - 1. The name of the proposed city is: \_\_\_\_\_
  - 2. Provisions are requested for appointment of:  city manager  city clerk  city treasurer
- (l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is: \_\_\_\_\_



**Part V: MINIMUM SIGNATURE REQUIREMENT FOR A SUFFICIENT PETITION UNDER THE PROVISIONS OF THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

**Reorganization**—Signatures must comply with the applicable signature requirements for each of the changes proposed (Govt. Code § 56864.1).

**District Formation**—Signatures as required by the principal act under which the new district is proposed to be formed (Govt. Code § 56860).

**Dissolution of a District**—For registered voter district: signatures by (a) not less than 10% of the registered voters within the district; or (b) not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.

—For landowner-voter districts: signatures by not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.

—If dissolution is for inactivity, the petition must be signed by three or more registered voters or landowners within the subject district and include statement and recitations as required by Govt. Code 56871 (Govt. Code § 56870).

**Consolidation of Districts**—For registered voter districts: signatures by not less than 5% of the registered voters within each of the districts.

—For landowner-voter districts: signatures by landowners-voters constituting not less than 5% of the number of landowner-voters owning land within each of the several districts who also own not less than 5% of the assessed value of land within each of the districts (Govt. Code § 56865).

**Merger of District with City or Establishment of a Subsidiary District**—For a registered voter district: signatures by (a) 5% of the registered voters of the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district.

—For a landowner-voter district: signatures by (a) 5% of the number of landowner-voters within the district; or (b) 5% of the registered voters residing within the territory of the city outside the boundaries of the district (Govt. Code § 56866).

**District Annexation or Detachment**—For a registered voter district: signatures by (a) not less than 25% of the number of registered voters within the territory proposed to be annexed or detached; or (b) not less than 25% of the number of landowners within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory.

—For a landowner-voter district: signatures by not less than 25% of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 25% of the assessed value of land within the territory (Govt. Code § 56864).

**Incorporation of a City**—Signatures by: (a) not less than 25% of the registered voters residing in the area to be incorporated; or (b) not less than 25% of the number of owners of land within the territory proposed to be incorporated who also own not less than 25% of the assessed value of land within the territory proposed to be incorporated (Govt. Code § 56764).

**Disincorporation of a City**—Signatures by not less than 25% of the registered voters residing in the city proposed to be disincorporated (Govt. Code § 56766).

**Consolidation of Cities**—Signatures by not less than 5% of the registered voters of each affected city (Govt. Code § 56766).

**Annexation to a City**—Signatures by: (a) not less than 5% of the number of registered voters residing within the territory proposed to be annexed; or (b) not less than 5% of the number of owners of land within the territory proposed to be annexed who also own 5% of the assessed value of land within the territory (Govt. Code § 56767).

**Detachment from a City**—Signatures by: (a) not less than 25% of the number of registered voters residing within the territory proposed to be detached; or (b) not less than 25% of the number of owners of land within the territory proposed to be detached who also own 25% of the assessed value of land within the territory (Govt. Code § 56768).