



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

5C

AGENDA REPORT Consent | Action

December 2, 2019

TO: Commissioners

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

SUBJECT: Proposed “Wilmott-Champagne Boulevard Reorganization” |
Concurrent Annexation to the Valley Center Municipal Water District and
Detachment from the Vallecitos Water District (RO19-08)

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 approximately 2.5 unincorporated acres in Bonsall to the Valley Center Municipal Water District (MWD). A concurrent detachment from Vallecitos Water District (WD) is also proposed. The proposal purpose is to provide permanent water service to an existing single-family residence and in doing so replace a temporary out-of-agency service agreement approved by LAFCO in June 2019 due to a failing groundwater well. Staff recommends the Commission approve 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 – Robert Wilmott – requesting approval to reorganize approximately 2.5 acres of unincorporated land with the principal action to annex to Valley Center MWD. A concurrent detachment from the

Administration

Keene Simonds, Executive Officer
County Operations Center
9335 Hazard Way, Suite 200
San Diego, California 92123
T 858.614.7755 F 858.614.7766
www.sdlafco.org

Jim Desmond
County of San Diego

Dianne Jacob, Vice Chair
County of San Diego

Greg Cox, Alternate
County of San Diego

Mary Casillas Salas
City of Chula Vista

Bill Wells
City of El Cajon

Paul McNamara, Alternate
City of Escondido

Mark Kersey
City of San Diego

Chris Cate, Alternate
City of San Diego

Jo MacKenzie, Chair
Vista Irrigation

Barry Willis
Alpine Fire Protection

Erin Lump, Alternate
Rincon del Diablo MWD

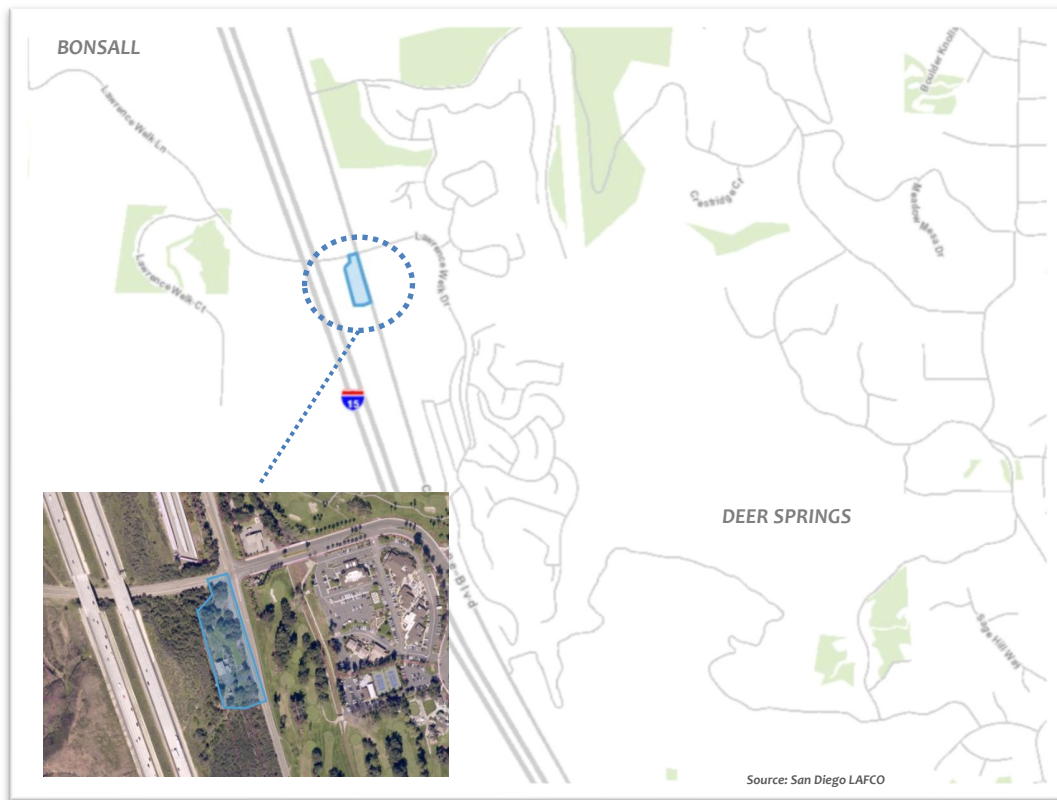
Andy Vanderlaan
General Public

Harry Mathis, Alternate
General Public

Vallecitos WD is also proposed. The affected territory as submitted includes one parcel already developed with a single-family residence at 28616 Champagne Boulevard in the unincorporated community of Bonsall. The subject parcel is approximately 1.4 acres in size and identified by the County of San Diego Assessor's Office as 172-091-28. Also included in the affected territory is approximately 1.1 acres of adjacent public right-of-ways to the centerlines of Champagne Boulevard and Lawrence Welk Lane. All of the affected territory lies in Vallecitos WD but outside its sphere of influence as well as its water and wastewater service areas. All of the affected territory lies in the Valley Center MWD sphere of influence.

Affected Territory

The following map shows the approximate location of the affected territory in context to the greater Bonsall and Deer Springs 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: Valley Center MWD and Vallecitos WD.¹ Summaries of the two subject agencies in terms of resident population, municipal service functions, and financial standing follows.

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

- Valley Center MWD is an independent special district formed in 1954 and spans 63,338 unincorporated acres or 99 square miles. Valley Center MWD predominately includes the unincorporated communities of Valley Center and Deer Springs and lies immediately north of the City of Escondido. A five-member Board of Directors oversees Valley Center MWD’s three active municipal service functions: water (retail class), recycled water (retail), and wastewater (collection, treatment, and disposal classes). The estimated resident population is 28,507 with an average annual growth rate of 0.8% since 2010. LAFCO established a sphere of influence for Valley Center MWD in 1984, which was last updated in 2014 with a larger-than-agency designation to include approximately 1,712 non-jurisdictional acres and equals 2.6% of the District boundary. Valley Center MWD’s audited net position is \$83.9 million as of June 30, 2018 and has increased by 2.3% over the prior three fiscal years.
- Vallecitos WD is an independent special district formed in 1955 and spans 28,800 acres or 45 square miles. Vallecitos WD includes nearly all of the City of San Marcos as well as portions of the Cities of Carlsbad, Escondido, and Vista. It also extends into the adjacent unincorporated communities of Twin Oaks, Bonsall, and Deer Springs. A five-member Board of Directors oversees Vallecitos WD’s three active municipal service functions: water (retail class); recycled water (retail class); and wastewater (collection, treatment, and disposal classes). 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.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries and/or spheres of influence of 11 local agencies directly subject to San Diego LAFCO. These agencies qualify as “affected agencies” relative to the proposed reorganization and listed below.²

- County Service Area No. 135 – Regional Communications
- Deer Springs Fire Protection District
- Metropolitan Water District of Southern California
- Mission Resource Conservation District
- Palomar Health Healthcare District
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority
- Vallecitos Water District
- Valley Center Cemetery District
- Valley Center Municipal Water District (sphere)

² 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 Valley Center MWD. An associated boundary change to concurrently detach the affected territory from Vallecitos WD 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 purpose of the proposed reorganization before San Diego LAFCO is to permanently establish public water service to the affected territory and its existing developed single-family residence through annexation to Valley Center MWD. Annexation would replace a temporary out-of-agency service extension between Valley Center MWD and the landowner that was approved by the Executive Officer on June 18, 2019 given evidence of a failing groundwater well.³ Approval of the earlier out-of-agency service extension – notably – was conditioned on the landowner filing for reorganization and subsequently ratified by the Commission at a noticed public meeting on August 5, 2019.

Development Potential

The County of San Diego General Plan identifies the affected territory as part of the Bonsall Community Planning Area. The County designates the affected territory as Rural Lands (RL-20) with a zoning standard of Rural Residential (RR). This latter standard prescribes a minimum lot size of 2.0 acres. Accordingly, no further development would be permissible due to the size of the subject parcel other than an intensity addition of an accessory unit. The affected territory is not located within any city sphere of influence.

Commission Focus

San Diego LAFCO's current sphere of influence designation for Valley Center MWD includes the affected territory and can readily accommodate the proposed annexation without amendment. Similarly, the affected territory lies outside the Vallecitos WD sphere and can readily accommodate the proposed detachment. These existing sphere determinations narrows the Commission's consideration to two central and sequential policy items. These policy items take the form of determinations and serve to 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 LAFCO law as detailed.

³ Evidence included the County of San Diego Department of Environmental Health attesting the subject parcel's exiting groundwater well was no longer providing adequate source of water based on recent well testing.

ANALYSIS

San Diego LAFCO's analysis of the reorganization is organized into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of reorganization and whether modifications and/or terms are appropriate to further address Commission goals and policies. The second subsection considers other germane issues required under LAFCO law or other applicable statutes and marked by making findings under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Reorganization Timing

The timing of the reorganization – and specifically the annexation of the affected territory to Valley Center MWD and concurrent detachment from Vallecitos WD – appears appropriate. This conclusion draws from the analysis of the factors required for consideration under LAFCO law anytime jurisdictional changes are proposed along with locally adopted Commission policies. The majority of the prescribed factors in statute focus on the impacts of the proposed annexation on the service and financial capacities of the receiving agency, Valley Center MWD (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 affected territory's present and planned residential land uses would be appropriately aided by the reorganization and annexation to Valley Center MWD given its ability to readily provide water service and eventually – subject to infrastructure improvements – wastewater. Additional details follow.
- The Commission has previously designated Valley Center MWD as the ultimate water and wastewater service provider for the affected territory through the standing inclusion in the MWD sphere. Annexation to Valley Center MWD memorializes this standing Commission expectation and accommodates the expressed interest of the current landowner to establish permanent public water service as evident by their initiation of the reorganization proceedings.
- The landowner of the affected territory has initiated the reorganization in response to a failing groundwater well and in consultation with both subject agencies. These factors help to quantify the reorganization and annexation of the affected territory to Valley Center MWD is appropriate by synching the timing of the boundary changes with a known and immediate service need.

- Service Capacities and Levels

Valley Center MWD has available and sufficient capacities to accommodate projected water demands within the affected territory at its maximum uses without expansion of any public infrastructure. Additional details on relevant service capacities follow.

- The single-family residence comprising the affected territory has already established connection to Valley Center MWD's public water system through a temporary out-of-agency extension. The connection is facilitated through a private lateral to the 10-inch water main located immediately adjacent to the single-family residence and within the public right-of-way on Champagne Boulevard, which is part of the affected territory. No public infrastructure expansion to the water system is needed to continue to serve the residence.
- Valley Center MWD projects the average day water demand generated within the affected territory based on its current development is 280 gallons. This projected amount can be readily accommodated by Valley Center MWD and represents 0.03% of its available supply capacity remaining within its distribution system based on recent demands. Ultimate buildout would potentially include an accessory unit and increase the average day water demand to 560 gallons per day or 0.05% of the remaining available capacity.
- The single-family residence comprising the affected territory is currently served by an onsite underground septic disposal system. Connection to Valley Center MWD's public wastewater system is not readily available to the affected territory and would require the expansion of public infrastructure. Nonetheless, the reorganization allows for the eventual and appropriate expansion of the Valley Center MWD public wastewater system to serve the affected territory.

- Service Funding and Costs

Valley Center MWD has adequate financial resources to provide an appropriate level of services to the affected territory in support of its current and planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Valley Center MWD'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 3.7%

Conclusion | Merits of Reorganization Timing

The timing of the reorganization and principal action to annex the affected territory to Valley Center MWD is warranted. Justification is marked by the preceding analysis and appropriately responds to the need for permanent water service to support a current and planned residential use in a developing urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion – including the factors required under statute – 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. This includes noting the applicant's proposal includes the adjacent public right-of-ways to the centerlines on Champagne Boulevard and Lawrence Welk Lane. Applying standard terms are appropriate.

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 agreement applicable to the proposed reorganization. The application of this master agreement will result in a “no” exchange with respect to the 1% collected on land and improvements within the affected territory.⁴

Environmental Review

CEQA requires San Diego LAFCO to serve as lead agency and assess whether impacts would result from the proposed reorganization initiated by a landowner. Staff has determined the proposal qualifies as a project under CEQA but exempt from further review under State CEQA Guidelines Section 15320. This exemption applies given the project involves changes in organization of local agencies where no new service powers are being established.

Protest Proceedings

Protest proceeding for the reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under statute.⁵ 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 lone landowner has consented to the underlying actions as the petitioner.⁶

⁴ The County of San Diego Assessor and Auditor Offices' report the current total assessed valuation for the affected territory is \$434,427 with a corresponding an approximate annual property tax revenue of \$4,344.

⁵ Reference to Government Code Section 5662.

⁶ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

RECOMMENDATION

Staff recommends approval of the reorganization proposal without modification along with standard terms based on the analysis provided in the preceding section. 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 2.5 acres of the affected territory to Valley Center MWD.
- Concurrent detachment of the same territory from Vallecitos WD.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Adopt the attached draft resolution approving the reorganization proposal without modification and with standard terms. Protest would also be waived.

Alternative Two:

Continue consideration to the next regular meeting and provide direction to staff with respect to providing additional information as specified.

Alternative Three:

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

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.**

The affected territory is approximately 2.5 acres in size and includes one parcel developed with an occupied single-family residence at 28616 Champagne Boulevard in the unincorporated community of Bonsall. The County of San Diego Assessor's Office identifies the subject parcel as 172-091-28. The adjacent public right-of-ways to the centerline on Champagne Boulevard and Lawrence Welk Lane are also included as part of the affected territory. As detailed in (h), no further development density would be allowed within the affected territory under current County land use policies. Additional growth within the surrounding unincorporated area is possible although would not be considered significant. The total assessed value in the affected territory is \$434,427 as of November 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.**

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 Deer Springs Protection District (fire protection and emergency medical) and County Service Area 135 (regional communications). The affected territory is also within Vallecitos WD but has not established water or wastewater services. This proposal affects water and wastewater services and is the focus of the succeeding analysis.

- **Extending Public Water to Affected Territory**

The affected territory is currently connected to Valley Center MWD's public water system through a temporary out-of-agency extension approved by LAFCO in June 2019 in response to documentation of a failing groundwater well. Valley Center MWD projects the average day water demand generated within the affected territory is 280 gallons per day. This projected amount can be readily accommodated by Valley Center MWD and represents 0.03% of its available supply capacity within its existing distribution system based on recent system demands. Ultimate buildout would potentially include an accessory unit and increase the average day water demand to 560 gallons per day or 0.05% of the remaining available capacity.

- **Extending Public Wastewater to Affected Territory**

The single-family residence within the affected territory is currently served by an onsite underground septic disposal system. Connection to Valley Center MWD's public wastewater system is not readily available to the affected territory and would require the expansion of public infrastructure.

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

Approving the reorganization would formalize and make more permanent existing economic and social ties between Valley Center MWD and the affected territory. These ties were initially established with the Commission previously adding all of the affected territory to Valley Center MWD's sphere of influence and in doing so signal its policy expectation the District should ultimately accommodate and support current and present land uses. The Commission – notably – also drew on these ties in recently approving a temporary out-of-agency extension to connect the affected territory's single-family residence to Valley Center MWD's water system to abate a documented public health threat.

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

The affected territory is presently developed with one single-family residence that is currently dependent on an out-of-agency water extension to Valley Center MWD due to the past failure of an onsite groundwater well. Annexation of the affected territory would make the existing service arrangement permanent and is consistent with the policies and practices of the Commission to sync urban uses with urban 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. Additional analysis concerning applicability of germane Commission policies follow.

- Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable require a consultation process with the affected agencies, interested parties, or organizations to help remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were disclosed by the applicant or identified by subject and affected agencies in the review of the proposal.

(continued)

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

The affected territory does not qualify as “prime agricultural land” under LAFCO law. Specifically, the lands are not 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 proposed reorganization proposal would have no effect on maintaining the physical and economic integrity of agricultural lands in San Diego County.

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.

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds covering all of the proposed boundary changes consistent with the standard of the State Board of Equalization. Approval would be conditioned on final map and description confirming to the referenced standards. The affected territory conforms with existing lines of assessment.

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

The proposed reorganization would make permanent public water service to one existing single-family residence in a developing urban area and adjacent to a major transportation corridor (I-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.

The County of San Diego General Plan identifies the affected territory as part of the Bonsall Community Planning Area. The present County General Plan land use designation for the affected territory is Rural Lands (RI-20) and allows up to 1.0 dwelling unit for every 20 acres. Approval of the proposed reorganization would allow for water service to be extended to one existing single-family residence consistent with the County General Plan.

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

The affected territory is located entirely within the Valley Center MWD sphere of influence and entirely outside the Vallecitos WD sphere of influence. The reorganization and concurrent boundary changes to annex to Valley Center MWD and detach from Vallecitos WD are consistent with these existing sphere of influence designations.

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

Staff provided notice of the proposed reorganization to all subject and affected agencies as required under statute. Notice was also provided to SANDAG. One written comment was received by email ahead of preparing this agenda report for distribution on November 22, 2019. The email comment was received from the Bonsall Sponsor Group, the advisory community planning group for the local unincorporated area, which voted unanimously to support the proposed reorganization.

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

Information collected and reviewed as part of this proposal indicates Valley Center MWD has established sufficient financial resources to permanently extend municipal services to the affected territory without adversely impacting current constituents. This statement is supported by the following factors with additional details.

- Valley Center MWD' audited net position is \$83.9 million as of June 30, 2018 and has increased overall by 2.3% over the last three fiscal years.
- Valley Center MWD's has finished year of the last three audited fiscal years with positive total margins within an overall average of 3.7%.

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

The proposed reorganization would permanently transfer water service responsibility for the affected territory from Vallecitos WD to Valley Center MWD. This transfer – pertinently – retains the San Diego County Water Authority as the principal 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. Valley Center MWD has established a contingency plan to reduce water demands in the event of supply shortages consistent with Water Authority recommendations.

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.

The proposed reorganization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the County of San Diego by the region's council of governments, SANDAG. The associated jurisdictional changes would not affect this assignment.

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

The affected territory includes one developed single-family residence and occupied by the landowner/applicant. The landowner has initiated the reorganization and has provided consent to the Commission proceedings.

o) Any information relating to existing land use designations.

See above analysis for (h).

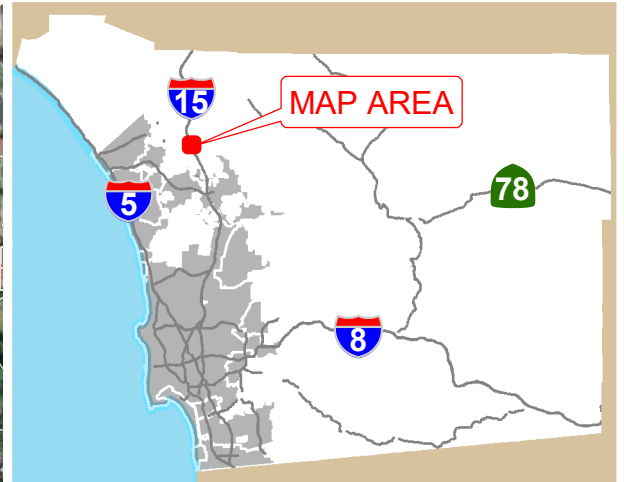
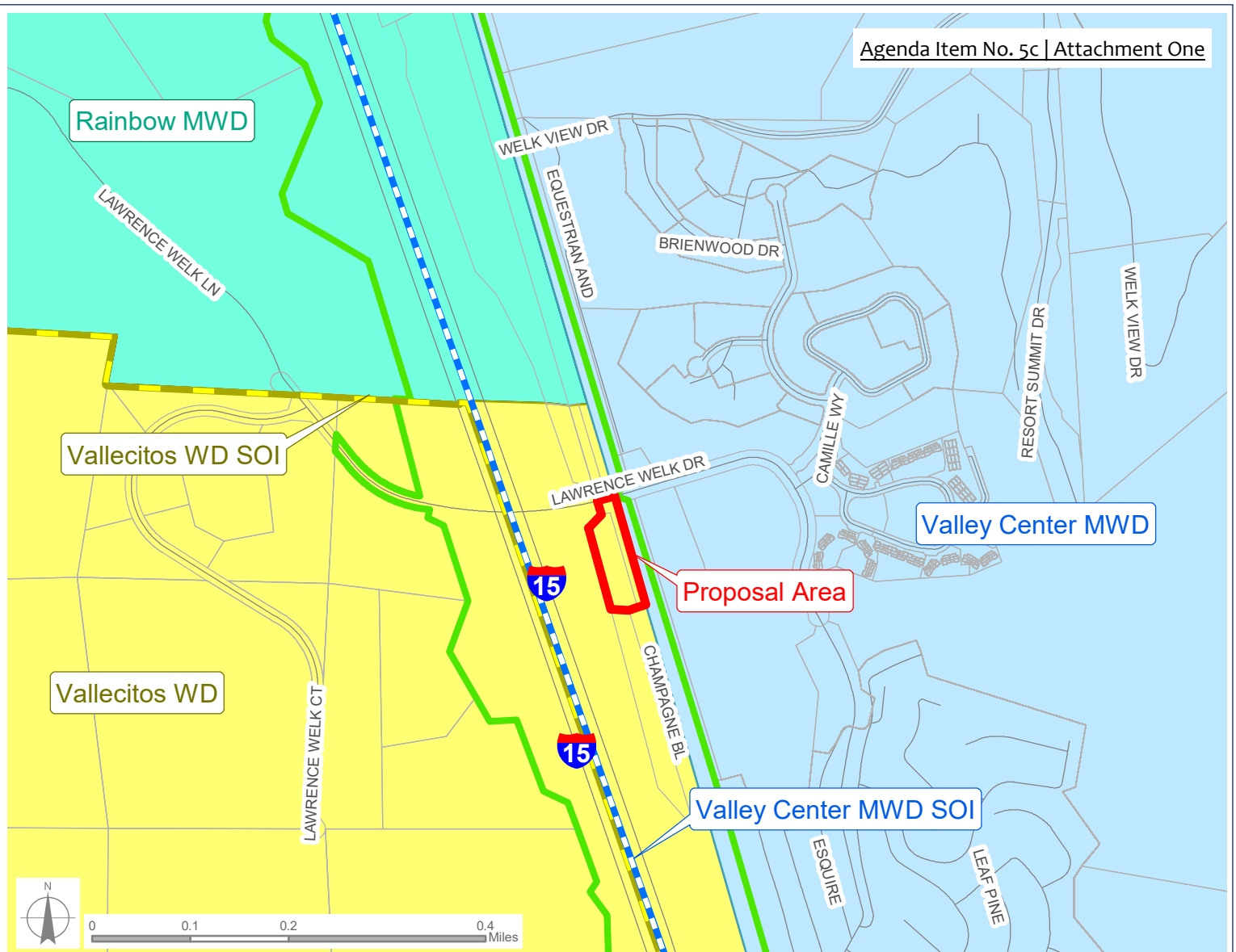
p) The extent to which the proposal will promote environmental justice.

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.

The affected territory is entirely unincorporated and subject to the safety element of the County of San Diego General Plan. The County has mapped the affected territory within a "very high" fire hazard zone. It is also mapped within a State Responsibility Area with respect to wildland fire protection. Deer Springs FPD is the designated fire service provider.

Page is Blank for Photocopying



RO19-08
OAS19-08

**PROPOSED "WILMOTT - CHAMPAGNE BLVD REORGANIZATION
AND CONTRACTUAL WATER SERVICE AGREEMENT" |
ANNEXATION TO VALLEY CENTER MWD WITH CONCURRENT
DETACHMENT FROM VALLECITOS WD**

SOI = Sphere of Influence

- Proposal Area
- Valley Center MWD
- Valley Center MWD SOI
- Special Study Area
- Vallecitos WD
- Vallecitos WD SOI



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

This map is provided without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. Copyright LAFCO and SanGIS. All Rights Reserved. This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG. This map has been prepared for descriptive purposes only and is considered accurate according to SanGIS and LAFCO data.

G:\GIS\Vicinity_Maps\agendmaps2019\19-08 ValleyCenter MWD NEW vicinity2.mxd

Created by Dieu Ngu - 11/22/2019

Page is Blank for Photocopying

RESOLUTION NO. _____

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“WILMOTT – CHAMPAGNE BOULEVARD REORGANIZATION”
CONCURRENT ANNEXATION TO VALLEY CENTER MUNICIPAL WATER DISTRICT AND
DETACHMENT FROM VALLECITOS WATER DISTRICT
LAFCO FILE NO. RO19-08**

WHEREAS, on June 7, 2019, landowner Robert Wilmott 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; and

WHEREAS, the application seeks approval for a reorganization of approximately 2.47 acres of unincorporated territory and includes the principal action to annex all of the affected territory to the Valley Center Municipal Water District; and

WHEREAS, the reorganization application also seeks concurrent detachment of all of the affected territory from the Vallecitos Water District; and

WHEREAS, the affected territory as proposed includes one unincorporated parcel developed with a single-family residence and identified by the County of San Diego Assessor’s Office as 172-091-28; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed reorganization dated December 14, 1982; 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 proposal have 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 noticed public meeting on the proposal on December 2, 2019; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and 56425 and adopted local policies and procedures.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER
as follows:

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer's report.
3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the reorganization proposal. The Commission finds the reorganization is a project but exempt from further review under State CEQA Guidelines Section 15320. This exemption applies given the project involves changes in organization of local agencies where no new service powers are being established.
4. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all of the follow:
 - a) Annexation of the affected territory to the Valley Center Municipal Water District as shown in "Exhibit A-1" and described in "Exhibit A-2."
 - b) Detachment of the affected territory from the Vallecitos Water District as shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by December 2, 2020 unless an extension is requested in writing and approved by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) Submittal to the Commission of final map and geographic description of the affected territory relative to the approved jurisdictional changes 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 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
 - A check made payable to LAFCO in the amount of \$267.45 to reimburse for publishing the hearing notification.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation:

"Wilmott – Champagne Boulevard Reorganization"

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
8. The Commission waives conducting authority proceedings under Government Code Section 56662.
9. The Valley Center Municipal Water District is a registered-voter district.
10. The Valley Center Municipal Water District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Valley Center Municipal Water District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before January 2, 2020 and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on December 2, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Approve to Form:

Holly Whatley,
Commission Counsel

Attest:

Keene Simonds
Executive Officer

EXHIBIT A-1

Placeholder for Recordation

Map of Affected Territory
and Annexation to Valley Center Municipal Water District with
Concurrent Detachment from Vallecitos Water District

Page is Blank for Photocopying

EXHIBIT A-2

Placeholder for Recordation

Description of Affected Territory
and Annexation to Valley Center Municipal Water District with
Concurrent Detachment from Vallecitos Water District

Page is Blank for Photocopying

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: Annex to Valley Center
Municipal Water District my private residence.
2. The reason(s) for the proposal are: Water service to 28616 Champagne Blvd
Residence

Robert C. Wilcott Robert C. Wilcott
Proponent's Name (print) Signature of proponent or representative
28616 Champagne Blvd, Escondido CA 92026
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: Annexation to Valley Center Municipal Water District Detachment from Vallejos 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: to be determined
- (d) The reason(s) for the proposal is/are: to get water for private residence VCMWD
- (e) Signers of this petition have signed as (select one): ☒ landowner; ☐ registered voter.
- (f) The name(s) and mailing address(s) of the chief petitioner(s) (not to exceed three) is/are:
1. Robert C. Wilcott 28616 Champagne Blvd, Escondido, CA 92026
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: _____
2. The proposed name(s) of the new district(s) is/are: _____
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 IVb: LANDOWNER PETITION



Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign <u>Robert C. Wilmoth</u> Print <u>Robert C. Wilmoth</u>	172-091-28	4/30/2019	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

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).