



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

5e

AGENDA REPORT
 Consent | Action

November 2, 2020

TO: Commissioners

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

**SUBJECT: Proposed “Lindauer – Olive Street Reorganization” |
 Concurrent Annexation to the Vallecitos Water District and Detachment from
 the Vista Irrigation District (RO20-11)**

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 4.0 incorporated acres in the City of San Marcos to the Vallecitos Water District (WD). A concurrent detachment from the Vista Irrigation District (ID) is also proposed. The proposal purpose is to provide permanent public water service to an existing single-family residence within the affected territory and in doing so replace a temporary out-of-agency service agreement approved by the Executive Officer in July 2020 due to documented water quality concerns with available groundwater. Staff recommends approval with modifications to include an additional 0.6 acres comprising adjacent public rights-of-way. Standard approval terms are also recommended along with waiving protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received an application from a landowner – Lloyd Lindauer – requesting approval to reorganize approximately 4.0 acres of incorporated territory within the City of San Marcos with the principal action to annex to Vallecitos WD. A concurrent detachment from

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San Diego LAFCO

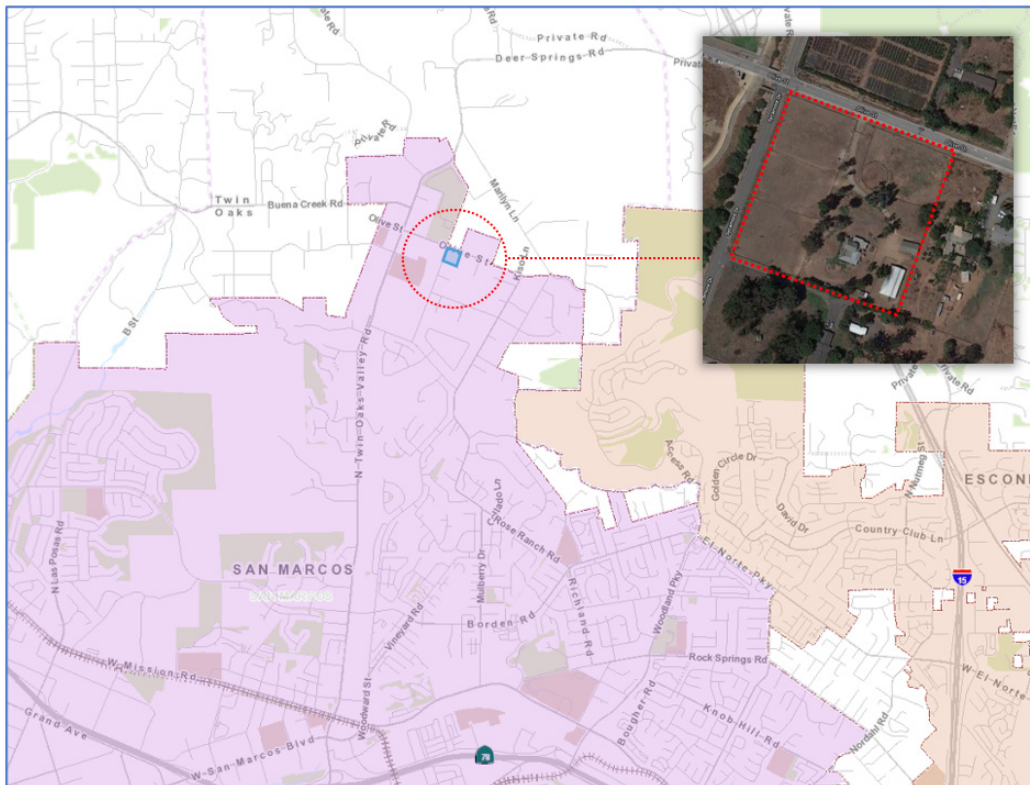
November 2, 2020 Meeting

Agenda Item No. 5e | “Lindauer – Olive St. Reorganization” (RO20-11)

Vista ID is also proposed. The affected territory as submitted encompasses one parcel already developed with a 1,930 square foot single-family residence built in 1920. The County of San Diego Assessor’s Office identifies the subject parcel as 182-101-01 with a situs of 317 East Olive Street. The affected territory lies entirely within Vista ID but outside its sphere of influence as well as beyond reach of its water distribution system. The affected territory lies within the Vallecitos WD sphere of influence and within proximity to its water distribution system.

Affected Territory

The affected territory lies within the City of San Marcos at its northern perimeter towards the unincorporated community of Twin Oaks. The affected territory lies north State Route 78 with principal access provided by North Twin Oaks Valley Road. An aerial map of the affected territory relative to the San Marcos incorporated boundary and neighboring Twin Oaks follow. Attachment One shows the affected territory relative to the proposed boundary changes involving the two subject agencies (Vallecitos WD and Vista ID).



Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: Vallecitos WD and Vista ID.¹ A summary of the subject agencies in terms of municipal functions, resident population, and financial standing follows.

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

- Vallecitos WD is an independent special district formed in 1955 and spans approximately 28,800 acres or 45 square miles and includes most of the City of San Marcos as well as portions of the Cities of Carlsbad, Escondido, and Vista. The Vallecitos WD also extends into adjacent unincorporated territory, including the communities of Twin Oaks and Deer Springs. A five-member elected Board of Directors oversees Vallecitos WD’s three active municipal functions: potable water service (retail class); recycled water service (retail class); and wastewater service (collection, treatment, and disposal classes). The estimated resident population is 102,129 with an average annual growth rate of 1.9% since 2010 and the last census reset. 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 \$279.179 million as of June 30, 2019 and has increased by 6.5% over the prior three audited fiscal years.
- Vista ID is an independent special district formed in 1923 and spans approximately 63,569 acres or 99 square miles and includes most of the City of Vista as well as portions of the Cities of Escondido, Oceanside, and San Marcos. Vista ID also extends into the adjacent unincorporated community of Twin Oaks. A five-member Board of Directors oversees Vista ID’s one active municipal service function: water (retail class). The estimated resident population is 134,829 with an average annual growth rate of 1.1% since 2010 and the last census reset. 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. (The majority of the excluded jurisdictional land lies within the Lake Henshaw watershed.) Vista ID’s audited net position is \$124.4 million as of June 30, 2019 and has increased by 17.1% over the prior three audited fiscal years.

Affected Local Agencies

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

- City of San Marcos
- County Service Area No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- North County Cemetery District
- North County Transit District
- Palomar Health Healthcare District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority

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 reorganization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

- San Marcos Fire Protection District

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 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 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 Vallecitos WD. Annexation would replace a temporary out-of-agency service extension between Vallecitos WD and the landowner that was approved by the Executive Officer in July 2020 given documented evidence of excessive nitrates in the groundwater generated from an onsite well. Approval of the earlier out-of-agency service extension – notably – was conditioned on the landowner filing for reorganization and terminates in July 2021 absent an approved extension by LAFCO.

Development Potential

The City of San Marcos General Plan designates the affected territory as Agricultural Residential along with a zoning assignment of Agricultural – 1 or A1.³ This zoning assignment provides a minimum parcel size between 1.0 and 4.0 according to site slopes. Based on this assignment, the maximum potential density development of the subject parcel comprising the affected territory is four residential lots. Additional intensity is also allowed to permit one accessory dwelling unit for each existing single-family residence.⁴ The combined result of these existing allowances under San Marcos policy is a potential maximum of eight residential units (i.e. four single family residences and four accessory dwelling units) subject to future approvals by the City and dependent on slope conditions less than 15%.

³ The Agricultural Residential designation under the City General Plan provides 0.125-1.0 dwelling units per parcel based on location and slope.

⁴ Construction of one accessory dwelling unit shall be permitted on all A Zone and R-1 Zone parcels, subject to the following minimum parcel standards: parcel is zoned for single-family use and has an existing single-family detached dwelling; parcel size is a minimum size of 10,000 square feet; an accessory dwelling unit does not already exist on the parcel; and accessory dwelling unit would be: (i) created within the living area of an existing dwelling unit or accessory structure located on the parcel; (ii) attached to an existing dwelling unit located on the parcel; or (iii) detached from an existing dwelling unit located on the parcel, but located on the same parcel as the existing dwelling unit.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for Vallecitos WD includes the affected territory and can readily accommodate the proposed annexation without amendment. Similarly, the affected territory lies outside the Vista ID 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.

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 Vallecitos WD and concurrent detachment from Vista ID – appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal’s conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed annexation on the service and financial capacities of the *receiving* agency, Vallecitos WD (emphasis added). A summary of key conclusions generated from the review of these factors and applicable local policies follow.

- Service Needs

The affected territory’s present and anticipated residential uses would be appropriately aided by the reorganization and annexation Vallecitos WD given its ability to readily provide public water service and abate an existing deficiency with groundwater and evidence of excess nitrates. These present and anticipated residential uses will similarly be aided by connection to Vallecitos WD’s nearby public wastewater system.

- The Commission has previously designated Vallecitos WD as the ultimate water and wastewater service provider for the affected territory through the standing inclusion in the WD sphere. Annexation to Vallecitos WD 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 contaminated groundwater and in consultation with both subject agencies and LAFCO staff. These factors help to quantify the reorganization and annexation of the affected territory to Vallecitos WD is appropriate by synching the timing of the boundary changes with a known and immediate service need.
- Annexation of the affected territory to Vallecitos WD for purpose of establishing permanent public water and make available public wastewater services going forward is consistent with the adopted land use policies of the City of San Marcos. San Marcos is the current and appropriate long-term land use authority as determined by Commission and marked by the subject land's standing inclusion in the City's sphere of influence.
- Service Capacities and Levels

Vallecitos WD has available and sufficient capacities to permanently provide public water service to the affected territory at its planned maximum uses without expanding any public infrastructure. Vallecitos WD also has sufficient capacities to establish public wastewater services to the affected territory based on existing infrastructure. Additional details on relevant service capacities and levels follow.

 - The single-family residence comprising the affected territory has already established connection to Vallecitos WD's public water system through a temporary out-of-agency extension. The connection is facilitated through a 50-foot private lateral to the water main located adjacent to the single-family residence and in the public right-of-way on East Olive Street. No public infrastructure expansion is needed to continue to serve the residence.
 - Vallecitos WD projects the average day water demand generated within the affected territory based on its current development is 500 gallons, or one equivalent dwelling unit (EDU). This projected amount can be readily accommodated by Vallecitos WD and represents .00004% of its available supply capacity remaining within its distribution system based on recent demands. Ultimate buildout would potentially include a total of eight residences (four single family residences and four accessory dwelling units) and increase the average day water demand to 4,000 gallons per day or 0.003% of the remaining available capacity.

- An existing Vallecitos WD wastewater main is located immediately adjacent to the affected territory within the frontage public right-of-way of Sycamore Drive and accessible through an approximate 50-foot lateral connection. No public infrastructure expansion is needed to serve the residence.

 - It is projected the maximum average day wastewater demand generated within the affected territory is 240 gallons per equivalent dwelling units (EDU). The maximum potential EDUs for the affected territory includes eight residential units (i.e. four single family residences and four accessory dwelling units subject to future approvals by San Marcos) is equals to 1,920 gallons of the average daily wastewater demands. This amount represents 0.0004% of the of the current approximate 5.0 million gallons of available and remaining daily contracted capacity allocated to Vallecitos WD, and as such can be readily accommodated without additional resources or infrastructure planning.
- Service Funding and Costs
Vallecitos WD has adequate financial resources and administrative controls to provide water (continue) and wastewater (future) to the affected territory in support of its existing and planned development without adversely impacting current ratepayers. Vallecitos WD’s recent audited statements reflects the District remained profitable in each of the last three audited fiscal years with an average total margin of 13.7%.

**CONCLUSION |
MERITS OF REORGANIZATION TIMING**

The timing of the reorganization and principal action to annex the affected territory to Vallecitos WD is warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the need for permanent public water service to support current and future residential uses in a developing urban area and reflects existing infrastructure. Making available public wastewater is also appropriate and further supports existing and future uses. Additional analysis supporting the conclusion is provided in Appendix A.

**Item No. 2 |
Modifications and Terms**

Staff believes modifications to the submitted reorganization proposal are appropriate and it involves San Diego LAFCO adding the adjacent frontage public rights-of-way surrounding the subject parcel to the centerline of Olive Street and Sycamore Drive. This recommendation expands the annexation by 0.64 acres and in doing so eliminates any adjacent non-jurisdictional corridors. The recommended modification does not have a material effect on the applicant and would provide consistency with adjacent roadway territory presently within Vallecitos WD. Applying standard approval terms also appears appropriate. A map of the affected territory with the recommended modification is provided as Attachment One.

CONCLUSION | MODIFICATIONS AND TERMS

Modifications appear warranted to expand the affected territory to include 0.64 acres of adjacent public rights-of-way to the centerline of Olive Street and Sycamore Drive and thereby provide a more consistent and orderly Vallecitos WD boundary. Standard approval 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. LAFCO 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.

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 believes the proposed reorganization qualifies as a project under CEQA but is categorically exempt from environmental review per State CEQA Guidelines Section 15319(a). This exemption appropriately applies given the project area contains existing private structures developed to the current zoning and the extension of services would be sized to only serve the existing facilities and there is no corresponding need for an expansion of public infrastructure.

Protest Proceedings

Protest proceedings for the proposed reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agencies have not filed objections to the waiver; and all landowners have consented to the underlying action.⁵ Approval of the recommended modification to include the adjacent public rights-of-ways would not affect the proposed waiver of protest proceedings.

⁵ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

RECOMMENDATION

Staff recommends approval of the reorganization proposal with modification as specified along with standard terms. This recommendation is consistent with the action outlined as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution approving the reorganization proposal with a modification to include the adjacent public rights-of-way to the centerline on Olive Street and Sycamore Drive along with standard terms.

Alternative Two:

Continue consideration to the next regular meeting.

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) Application Materials

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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, in the next 10 years.**
-

The affected territory as submitted includes one incorporated parcel within the City of San Marcos totaling 4.0 acres. Staff recommends expanding the affected territory to include approximately 0.64 acres of adjacent public rights-of-way. The subject parcel is presently developed with an approximate 1,932 square-foot detached single-family residence with four bedrooms and two bathrooms constructed in 1920. The current assessed value of the subject parcel – including land and improvements – is \$525,588 with the last transaction recorded in December 2006. The application materials identify the affected territory is currently occupied with two residents with a per capita assessed valuation of \$262,794. The affected territory lies within a developing urban-residential area of the City of San Marcos south of the Twin Oaks Valley unincorporated community. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations.

- 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 City of San Marcos serves as the primary purveyor of general governmental services to the affected incorporated territory. These governmental services include community development (planning and engineering), parks and recreation, streets and roads, and public safety with the latter including fire protection by the dependent San Marcos Fire Protection District and law enforcement via a contract with the County Sheriff. The affected territory also lies within Vista ID but has not established water service. This proposal affects water and wastewater services and are the focus of the succeeding analysis.

- **Extending Public Water Service to the Affected Territory**

The affected territory and its existing single-family residence is currently connected to Vallecitos WD through a temporary out-of-agency extension approved by LAFCO in July 2020 in response to documentation of contaminated groundwater. Vallecitos WD projects the average day water demand generated within the affected territory is 500 gallons. This projected amount coupled with existing Vallecitos WD's daily demands based on recent averages represents 0.00004% of Vallecitos WD's total available supply capacity. Ultimate buildout would expand the total number of residences to eight (four single-family residences and four accessory dwelling units) and increase the average

day water demand to 4,000 gallons and increase the total volume of demand relative to capacity to 0.003%

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

The affected territory and its existing single-family residential use is currently dependent on an on-site underground septic disposal system. The septic system was initially established in the 1920s and subsequently and presumably repaired as needed to date. Connection to Vallecitos WD is readily available through an approximate 50-foot lateral to an existing wastewater main located within the adjacent public right-of-way of Sycamore Drive. The average daily wastewater flow for the affected territory at planned maximum use under current San Marcos zoning is projected at 1,920 gallons based on accommodating eight residential units (four single-family residences and four accessory dwelling units.) This amount represents 0.0004% of the of the current approximate 5.0 million gallons of available and remaining daily contracted capacity allocated to Vallecitos WD, and as such can be readily accommodated without additional resources or infrastructure planning.

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 Vallecitos WD and the affected territory. These ties were initially established with the Commission previously adding all of the affected territory to Vallecitos WD’s sphere of influence and in doing so signal its policy expectation the District should ultimately accommodate and support current and present land uses through the provision of both water and wastewater. LAFCO – 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 Vallecitos WD’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 Vallecitos WD due to the contamination within the local groundwater. 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.

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 contain "prime agricultural land" or "agricultural land" as defined under LAFCO law or further prescribed in local Commission policy. Specifically, the affected territory does not contain lands 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.

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. Recommendations by staff to expand the annexation to include adjacent public rights-of-way, pertinently, would eliminate the creation of non-jurisdictional corridors.

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

The proposal involves existing residential development and would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG) for the San Diego Region.

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

The affected incorporated territory is presently designated for low-density single-family residential use under the adopted land use policies of the City of San Marcos. The affected territory is zoned as A-1, which prescribes a minimum parcel size of 1, 2, or 4 acres dependent on slope. The existing residential uses are consistent with the proposal's purpose to provide public water and wastewater to the existing single-family residence in response to a documented threat to public health and safety due a contaminated well. Approval of the proposed reorganization would be consistent with the San Marcos General Plan.

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

The affected territory lies entirely within the sphere of influence designated for the Vallecitos WD. Additional details are provided in the analysis provided on page 10.

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

Notice of the submitted reorganization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on October 23, 2020.

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 Vallecitos WD has sufficient and available financial resources and administrative controls therein relative to providing public water and wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the following factors.

- Vallecitos WD's last audit covers 2018-2019 and shows the District finished with good liquidity levels with an agency-wide current ratio of 5.5% (i.e., \$5.50 in current assets for every \$1.00 in current liabilities).
- Vallecitos WD finished 2018-2019 with high capital levels as evident by a relatively low debt ratio of 3.82% (i.e., only \$3.82 out of every \$100.00 in net assets are financed.)
- Vallecitos WD has remained profitable in each of the last three audited fiscal years with an average operating margin of 13.7%. The most recent year – 2018-2019 – the operating margin was 15.6%.

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

The affected territory's existing residential uses are presently within the Vista ID's retail domestic water service territory with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed reorganization would make permanent and transfer retail water service responsibility to Vallecitos WD, which is also a member agency of the County Water Authority and would not affect the timely availability of water supplies to the affected territory.

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 City of San Marcos by the region's council of governments, SANDAG. The proposed reorganization would not affect this assignment.

n) Any information or comments from the landowners, voters, or residents.

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 written consent to the 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.

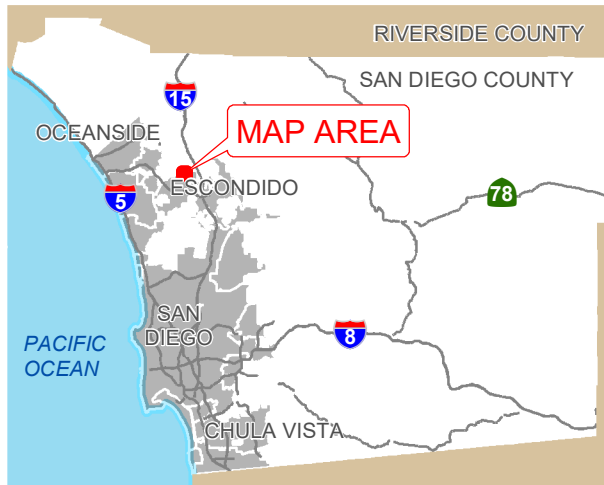
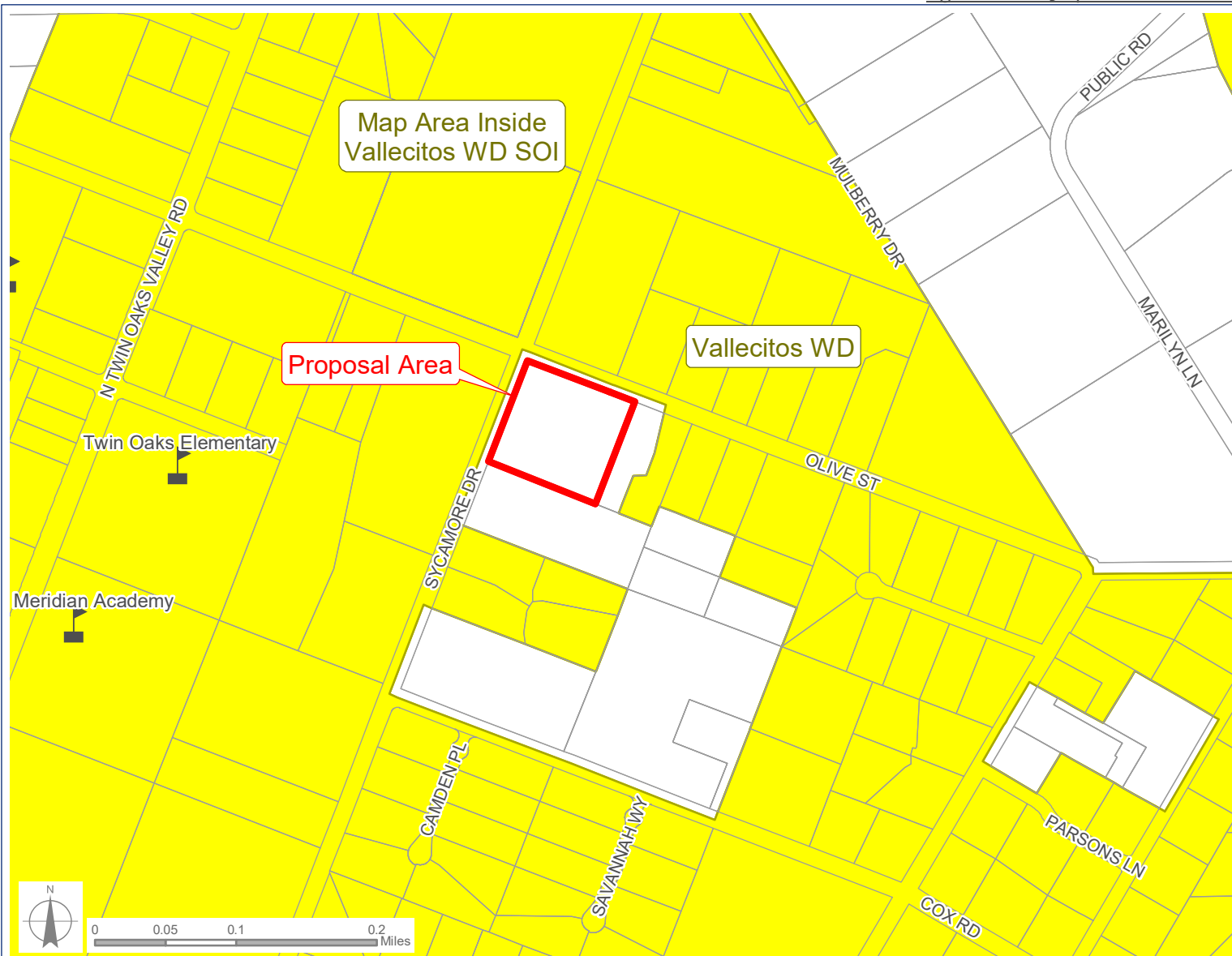
As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed reorganization does not include locating new public facilities and the proposed provision of public services would be limited to the existing single-family residence and proposed accessory dwelling unit. Approval of the proposed reorganization is not anticipated to affect the promotion of environmental justice.

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 City of San Marcos is a participating agency within the County of San Diego's adopted multi-jurisdictional hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies outside any identified hazard areas.




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.

Approval of the reorganization 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 water and wastewater services going forward. Extension of Vallecitos WD water service will remediate an existing failing on-site well. Approval would also benefit adjacent landowners and/or residents by eliminating the operation of a private septic system and the heighten potential therein for future failures.



**"LINDAUER - OLIVE STREET REORGANIZATION" |
RO20-11 ANNEXATION TO VALLECITOS WD WITH CONCURRENT
DETACHMENT FROM VISTA ID**

SOI = Sphere of Influence

-  Proposal Area
-  Vallecitos WD
-  Vallecitos WD SOI



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

**“LINDAUER – OLIVE STREET REORGANIZATION”
CONCURRENT ANNEXATION TO THE VALLECITOS WATER DISTRICT AND
DETACHMENT FROM THE VISTA IRRIGATION DISTRICT
LAFCO FILE NO. CO20-11**

WHEREAS, on June 15, 2020, landowner Lloyd Lindauer 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 of a reorganization to annex approximately 4.0 acres of incorporated territory within the City of San Marcos to the Vallecitos Water District with a concurrent detachment of the affected territory from the Vista Irrigation District; and

WHEREAS, the affected territory as proposed includes one incorporated assessor parcel developed with an existing single-family residence identified by the County of San Diego Assessor’s Office as 182-101-01; 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 November 2, 2020; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 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 for environmental review of the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) The Commission finds the proposed reorganization qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a) given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure.
4. The Commission APPROVES the reorganization with a discretionary modification as described below and subject to conditions as provided. Approval involves all of the follow:
 - a) The affected territory is modified to include the adjacent incorporated public right-of-way to the centerline on Olive Street and Sycamore Drive totaling 0.6 acres.
 - b) Detachment of the affected territory as modified from the Vista Irrigation District is shown in "Exhibit A-1" and described in "Exhibit A-2."
 - c) Annexation of the affected territory as modified to the Vallecitos Water District is shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by November 2, 2021 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 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 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 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:

"Lindauer – Olive Street 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 Vista Irrigation District and Vallecitos Water District are registered-voter districts.
10. The Vista Irrigation District and Vallecitos Water District utilize the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Vallecitos Water District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period 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 October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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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: Annexation To Vallecitos Water District

2. The reason(s) for the proposal are: To attach water and sewer to my home from Vallecitos water District and detach from Vista Irrigation District easement.

Lloyd Lindauer Lloyd Lindauer
Proponent's Name (Print) Signature of proponent or representative

317 E. Olive St., San Marcos, CA 92069
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: Annex To Vallecitos
Water District, Detach From Vista Irrigation 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: _____

(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. Lloyd Lindauer 317 E. Olive St., San Marcos, CA 92069
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

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

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>Lloyd Linsdauer</u> Print <u>Lloyd Linsdauer</u>	182-101-01-00	6-15-20	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

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