



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

6b

AGENDA REPORT
 Public Hearing | Action

November 1, 2021

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Allen, Analyst I

**SUBJECT: Proposed “Sunset Drive Change of Organization” |
 Detachment from the Vista Irrigation District and Related Sphere of Influence
 Amendment (CO21-01)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by an interested landowner to detach approximately 7.6 acres of incorporated territory within the City of Oceanside from Vista Irrigation District (ID). The affected territory as submitted includes two undeveloped and unimproved assessor parcels along Sunset Drive that have been tentatively approved for a 48-unit townhome project. The proposal purpose is to eliminate an existing overlap between two public water service providers and designate Oceanside as the provider of record going forward. Staff recommends conditional approval of the proposal with modification to include 0.46 acres of adjacent public right-of-way along Sunset Drive as well as a conforming sphere amendment. Standard approval terms are also recommended along with waiving protest proceedings.

BACKGROUND

Applicant Request

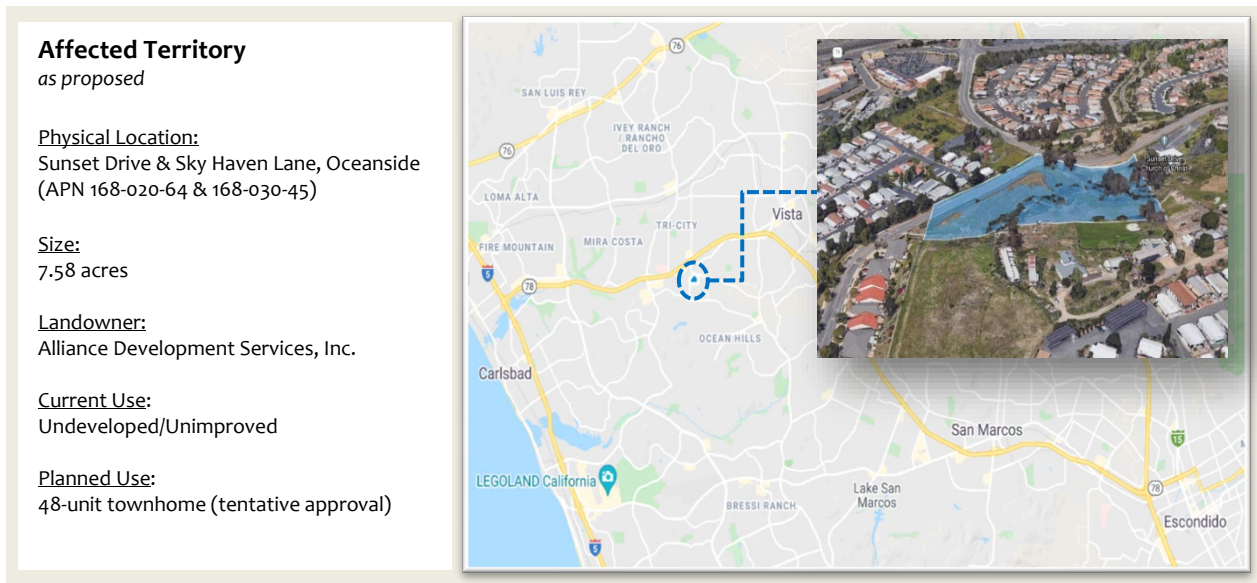
San Diego LAFCO has received an application by an interested landowner – Alliance Development Services, Inc. – requesting approval to detach approximately 7.6 acres of incorporated territory within the City of Oceanside from Vista ID. The affected territory as

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619-321-3380 www.sdlafco.org	Vice Chair Jim Desmond County of San Diego Nora Vargas County of San Diego Joel Anderson, Alt. County of San Diego	Paul McNamara City of Escondido Mary Casillas Salas City of Chula Vista Kristi Becker, Alt. City of Solana Beach	Chris Cate City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David A. Drake, Alt. Rincon del Diablo	Chair Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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submitted comprises two undeveloped and unimproved parcels in the City of Oceanside with unassigned situs addresses on Sunset Drive and are identified by the County of San Diego Assessor’s Office as 168-020-64 and 168-030-45. The affected territory lies entirely within both Oceanside and Vista ID’s spheres and jurisdictional boundaries.

Regional Setting

The affected territory is located within the City of Oceanside in the Lake Neighborhood Planning Area, while lies south of State Route 78 and east of Interstate 5. Principal access to the affected territory is provided by Emerald Drive to the west/north and Sunset Drive to the east/south. An aerial map of the affected territory and its regional setting follows. Attachment One shows the affected territory relative to the proposed boundary change involving the lone subject agency (Vista Irrigation District).



Subject Agencies

The proposed change of organization filed with San Diego LAFCO involves two subject agencies: Vista ID (direct) and City of Oceanside (indirect).¹ A summary of the subject agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- Vista ID is an independent special district formed in 1923. The jurisdictional boundary spans approximately 63,569 acres – or 99 square miles – and includes most of the City of Vista as well as portions of the Cities Escondido, Oceans, and San Marcos. The estimated population is 134,829 with an average annual growth rate of 1.1% since 2010 and the last census reset. A five-member Board of Directors oversees Vista ID’s one active municipal service function: potable water (retail class). Vista ID’s sphere of

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

influence was established by LAFCO in 1988 and most recently updated in 2007. The sphere reflects a smaller-than-agency designation and excludes 43,459 jurisdictional acres or 68.4% of the District boundary. (The majority of the excluded jurisdictional land lies within the Lake Henshaw watershed.) The most recent audit shows Vista ID’s net position at \$130.3 million as of June 30, 2020 and reflects an overall change of 12.9% over the prior three fiscal years.

- The City of Oceanside was incorporated in 1888 as a general-law municipality. Oceanside’s jurisdictional boundary spans 27,008 acres – or 42 square miles. The estimated resident population is 178,352 with an average annual growth rate of 0.6% since 2010 and the last census reset. Oceanside provides – among other services – community development, park and recreation, roads and street lighting, fire protection, and police protection throughout its jurisdictional boundary. It also provides water and wastewater in portions of its jurisdictional boundary. Oceanside’s sphere of influence was established by LAFCO in 1978 and most recently updated in 2008. The sphere reflects a same-as-agency designation and includes all jurisdictional lands. The most recent audit shows Oceanside’s net position at \$995.2 million as of June 30, 2020 and reflects an overall change of 9.6% over the prior three 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 change of organization and listed below.²

- City of Oceanside
- Metropolitan Water District of Southern California
- North County Transit District
- Oceanside Small Craft Harbor District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- Tri City Hospital District
- Vista Irrigation District

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the change of organization proposal to detach the affected territory from Vista ID. 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.

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.

Proposal Purpose

The purpose of the proposal is to eliminate an existing overlap between the City of Oceanside and Vista ID and make explicit under State law that Oceanside is the exclusive potable water service provider for the affected territory. The timing of the proposal to detach the affected territory from Vista ID syncs with Oceanside’s tentative approval to develop the subject parcels into a 48-unit townhome complex referenced as “Emerald Ridge”.³

Development Potential

The City of Oceanside General Plan designates and zones the affected territory for high-density residential uses. Oceanside tentatively approved the development of the two subject parcels consistent with these land use policies in January 2019. The Emerald Ridge project involves 48 condominium units with a total building coverage of 33,000 square feet or 0.75 acres with the remainder dedicated to open space recreation and/or communal landscaping covering 180,00 square feet or 5.5 acres. Oceanside’s approval is conditioned on the applicants detaching the affected territory from Vista ID.

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the proposed change of organization. These policy items take the form of determinations and orient the Commission to consider the interrelated merits of (a) a conforming sphere of influence action, (b) timing of the change of organization, and (c) whether modifications or terms are appropriate. The Commission must also consider other statutes as detailed.

ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is organized into two distinct subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of amending the Vista ID’s sphere of influence and detachment as well as whether modifications and/or terms are appropriate to further address Commission goals and policies. The second subsection considers other germane statutory issues required for LAFCO proposal consideration and this includes complying with the California Environmental Quality Act (CEQA).

(continued)

³ The development proposes to include the 48-unit townhomes with associated improvements to include private streets, landscaping, common recreation areas, walls and fencing, and storm water management facilities.

Central Policy Items

Item No. 1 |

Conforming Sphere of Influence Amendment

The proposed change of organization necessitates San Diego LAFCO consider a conforming sphere of influence action to achieve consistency with the requested jurisdictional change as required under statute.⁴ The action involves amendment to the adopted Vista ID sphere of influence to exclude the affected territory and in doing so accommodate the proposed detachment. Consideration of the amendment is premised on the Commission’s statutory responsibility to designate spheres to demark the affected agencies’ appropriate future service areas relative to community needs as determined by the membership. Staff believes it would be merited for the Commission, accordingly, to proceed and approve the conforming sphere amendment to fully recognize the City of Oceanside – and not Vista ID – as the appropriate provider of water services for the affected territory. Most notably, the amendment would facilitate the orderly syncing of local governance and services by directing the affected territory away from Vista ID as a limited purpose agency and towards City of Oceanside as a multi-purpose agency and headlined by land use authority.

CONCLUSION |

MERITS OF A CONFORMING SPHERE OF INFLUENCE AMENDMENT

Proceeding with the conforming action to amend the Vista ID sphere of influence to exclude the affected territory is sufficiently warranted. Justification is marked by the preceding analysis and support the Commission’s determinations to designate the City of Oceanside as the appropriate and exclusive water service provider for the affected territory going forward. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Change of Organization Timing

The timing of the proposed change of organization before San Diego LAFCO – and specifically detaching the affected territory from the 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 detachment on the service and financial capacities of the receiving agency, City of Oceanside (emphasis added). A summary of key conclusions generated in the review of these factors and policies with respect to service needs, capacities, and finances follow with a complete analysis provided in Appendix B.

⁴ Reference to California Government Code 56375.5

- Service Needs

The affected territory’s current and planned residential uses would be appropriately aided by the change of organization and detachment from the Vista ID. Approval satisfies a condition by the City of Oceanside for the landowner to proceed with the development project. Additional details follow.

- The Commission has previously designated the City of Oceanside as the lead and primary service provider for the affected territory through the standing inclusion within the City’s sphere of influence and jurisdiction. Detachment from the Vista ID memorializes this existing Commission expectation and accommodates the expressed interest of the current landowner to establish public water service with the City as evident by their request to initiate the underlying proceedings.
- Detachment of the affected territory from Vista ID is consistent with the Commission’s interest in eliminating overlapping jurisdictions with deference to accommodating multi-service providers over single-purpose providers.
- The landowner has received tentative approval from the City of Oceanside to develop the subject parcels into a 48-unit townhome complex. This known project helps to quantify the timing of the detachment is appropriate in addressing a specific service need.

- Service Capacities and Levels

The City of Oceanside would assume exclusive water service responsibilities for the affected territory upon the change of organization. A review of existing capacities and levels indicates Oceanside has sufficient controls and resources to accommodate demands within the affected territory at its planned uses. Additional details follow.

- The City of Oceanside projects the demand for the affected territory and its planned uses at a daily average of 0.0187 million gallons. This projection translates to approximately 390 gallons per day for each of the proposed 48 residential units. The projected daily demand equals approximately .089% of the supply currently available to City of Oceanside.
- Actual service to the affected territory from City of Oceanside will be made available through construction of an approximate 3,000-foot waterline within public rights-of-way on Skyhaven Lane, Sunset Boulevard, Sunset Drive and Emerald Drive.⁵ No easements are needed.

⁵ Approximately 750-feet of new waterline is proposed in Skyhaven Lane and 250-feet of waterline in Sunset Blvd. The 1000-foot waterline will be constructed onsite and within the frontage of the project. An additional 2,000-feet of waterline will be constructed offsite – and not within the frontage of the project – and is located within Sunset Drive and Emerald Drive and creates a looped system for the Oceanside Water Department. The total water line to be constructed is approximately 3000-feet.

- Service Funding and Costs

Staff believes the City of Oceanside has the financial resources coupled with administrative controls to provide water services to the affected territory in support of its planned uses without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Oceanside’s recent audited statements which shows – among other items – the City remained profitable over the last three audited fiscal years with an average total margin of 14.7%.

**CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING**

The timing of the change of organization involving detachment of the affected territory from Vista ID is warranted. Justification is marked by the preceding analysis and appropriately syncs the need for public water service in an urban area and accommodates the planned development with the external benefit of adding to the local housing supply. Additional analysis supporting the conclusion is provided in Appendix B.

Item No. 3 |

Modifications and Terms

Staff has identified one potential boundary modification to the proposal meriting consideration by San Diego LAFCO at this time. The identified modification would involve expanding the affected territory to include the adjacent frontage portion of public right-of-way along Sunset Drive equaling 0.46 acres. Applying standard terms of approval appears appropriate along with incorporating the requested terms included in Vista ID’s resolution, which are provided as Attachment Three.

**CONCLUSION |
MODIFICATIONS AND TERMS**

Staff recommends one modification to include 0.46 acres of public right-of-way along Sunset Drive. Approval of the proposed change of organization as submitted appears warranted. Standard approval terms along with those requested by Vista ID 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 to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the detachment of the affected territory from Vista ID.

Environmental Review

San Diego LAFCO is responsible under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority. Accordingly, the Commission is tasked with making two distinct findings under CEQA in consideration of the proposed change of organization. Staff’s analysis follows.

- San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the Vista ID sphere to exclude the affected territory – is a project under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
- The City of Oceanside serves as lead agency under CEQA for considering the change of organization and the detachment of the affected territory from Vista ID as part of its discretion to approve the underlying development project. In this role as lead agency, City Council certified and adopted a Notice of Determination and Mitigated Negative Declaration on April 24, 2019, which found – among other items – water service by the City of Oceanside could be adequately provided. As responsible agency, San Diego LAFCO staff has reviewed the Initial Study and associated documents and believes the City has made adequate findings for the Commission’s use in approving the change of organization and no further analysis is required under CEQA. Copies of the Initial Study and associated documents are provided as attachments.

Protest Proceedings

Protest proceedings for the proposed change of organization 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 agency has not filed an objection to the waiver; and the landowner has consented to the underlying action.⁶

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

RECOMMENDATION

Staff recommends San Diego LAFCO conditionally approve the proposed change of organization with modifications as described along with a conforming sphere of influence action. This recommendation is consistent with Alternative One in the proceeding section.

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 conditionally approving the change of organization proposal as submitted with modifications to include the adjacent public right-of-way on Sunset Drive and conforming sphere of influence amendment. This includes making required findings under CEQA.

Alternative Two:

Continue consideration to a future meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

Disapprove the change of organization 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,



Priscilla Allen
Analyst I

Appendices:

- A) Analysis of Sphere of Influence Determinations
- B) Analysis of Proposal Review Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Application Materials
- 4) Initial Study/MND (online)

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APPENDIX A

STATEMENT OF DETERMINATIONS SPHERE OF INFLUENCE FACTORS Government Code Section 56425

(1) The present and planned land uses, including agricultural and open-space lands.

The affected territory as submitted involves two incorporated, undeveloped, and unimproved parcels located within the City of Oceanside totaling 7.58 acres. Staff recommends expanding the affected territory to include approximately 0.46 acres of adjacent public right-of-way along Sunset Drive to conform with the City of Oceanside incorporated boundary. The subject parcels have a current entitlement to develop into a 48-unit townhome complex. The project does not currently include any open space or agricultural lands. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and planned land uses.

(2) The present and probable need for public facilities and services in the area.

There is an existing need for public water services within the affected territory to accommodate the planned development of a residential 48-unit townhome complex. Proceeding with the development is dependent on the establishment of public water services with the City of Oceanside as a term and condition of development approvals. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and probable service needs.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

The City of Oceanside is a member of the San Diego County Water Authority and has existing infrastructure and related capacities to readily accommodate potable water demands within the affected territory consistent with the approved development and highlighted by the construction of 48 residential units. Projected demands for potable water within the affected territory are not expected to consume more than .089% of City of Oceanside's existing capacities. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and adequate capacities.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

LAFCO initially established relevant social and economic ties between the affected territory and City of Oceanside in concert with including the subject lands to the City's sphere of influence and jurisdictional boundary. Amending Vista ID's sphere of influence to exclude the affected territory syncs and strengthens these existing social and economic ties.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory and adjacent lands therein do not contain census tracts qualifying as a disadvantaged unincorporated community (DUC) under State statute or LAFCO policy.

APPENDIX B

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 two incorporated parcels spanning 7.58 acres in the City of Oceanside and the adjacent frontage portion of public right-of-way along Sunset Drive. The affected territory is undeveloped and unimproved with an unassigned situs address on Sky Haven Lane and Sunset Drive (APN 168-020-64 and 168-030-45). The submitted application materials identify the subject parcels as uninhabited. The affected territory lies within a developing urban-residential area and within the Lake neighborhood. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations. Total assessed value (land and structures) of the subject parcels is \$157,670 and \$164,841, respectively with the last transaction recorded July 2020.

- 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 Oceanside serves as the primary purveyor of general governmental services to the affected incorporated territory and headlined by providing community planning and public safety. This proposal affects only water and is the focus of the succeeding analysis.

- **Extending Public Water to Affected Territory**

The affected territory and its planned residential use will be dependent on water services through the City of Oceanside. Connection will be made available through construction of an approximate 3,000-foot waterline within public rights-of-way on Skyhaven Lane, Sunset Boulevard, Sunset Drive and Emerald Drive. No easements are needed. The City of Oceanside projects the demand for the affected territory and its planned uses at a daily average of 0.0187 million gallons. This projection translates to approximately 390 gallons per day for each of the proposed 48 residential units. The projected daily demand equals approximately .089% of the supply currently available to City of Oceanside.

- 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.**
-

Approval of the proposed change of organization and detachment therein from Vista ID would recognize and strengthen existing economic and social ties between the City of

Oceanside and the affected territory. These ties were initially established in 1978 when the Commission included the local area within the City of Oceanside’s sphere of influence.

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.

Approving the proposed change of organization and detachment from Vista ID would facilitate the extension of public water services to accommodate the planned development of 48-unit townhome complex. Approval would be consistent with the Commission’s adopted policies to sync urbanized uses with urbanized services and promote infill uses. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exists under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

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

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. 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 change of organization proposal and detachment from Vista ID 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.

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

The proposed change of organization would extend water service to accommodate the planned development of a 48-unit townhome complex currently under conditional approval by the City of Oceanside. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

The affected incorporated territory is presently designated for high-density residential use under the adopted land use policies of the City of Oceanside. The planned residential uses are consistent with the proposal’s purpose to facilitate the planned development of a 48-unit townhome complex through the orderly extension of Oceanside’s potable water system.

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

The affected territory lies entirely within the spheres of influence designated for Vista ID and City of Oceanside. 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 change of organization 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 22, 2021.

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

- City of Oceanside’s last audit covers 2019-2020 and shows the City finished with good liquidity levels with an agency-wide current ratio of 8.5 (i.e., \$8.50 in current assets for every \$1.00 in current liabilities).
- City of Oceanside finished 2019-2020 with available capital as evident by a debt ratio of 30.2% (i.e., \$30.21 out of every \$100.00 in net assets are financed.)

- City of Oceanside has remained profitable in each of the last three audited fiscal years with an average total margin of 14.7%. The most recent year – 2019-2020 – the total margin was 8.6%.

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

The affected territory's planned residential uses are presently within the Vista ID's retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization to the City of Oceanside – member agency of the San Diego County Water Authority – 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 change of organization 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 Oceanside by the region's council of governments. The detachment from Vista ID 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 change of organization 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 change of organization does not include locating new public facilities and the proposed provision of public services would be limited to the planned 48-unit townhome complex. Approval of the proposed change of organization is not anticipated to affect the promotion of environmental justice.

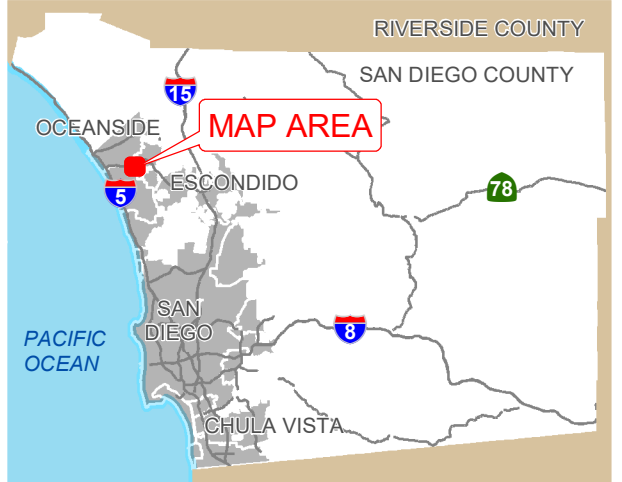
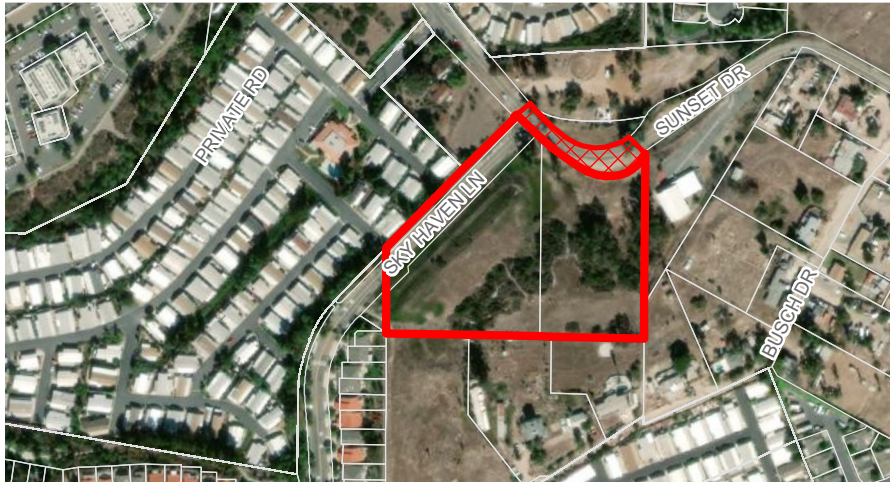
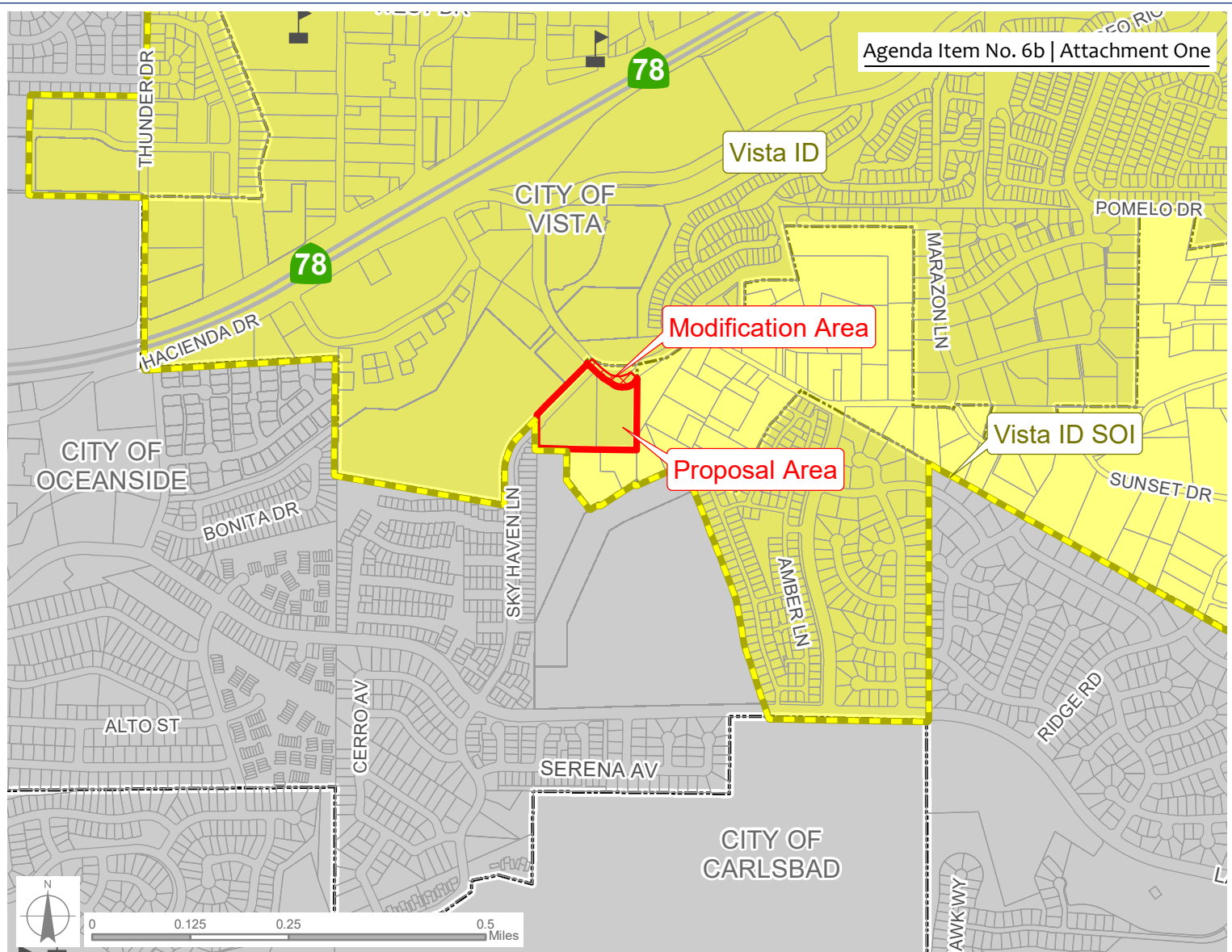
- q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.**
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The City of Oceanside General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies outside any identified threat designations for fire and flooding though has a lower-level designation for potential earthquake hazards.

- r) 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 annexed to the district.**
-

Not applicable.





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CO21-01

**"SUNSET DRIVE CHANGE OF ORGANIZATION" |
DETACHMENT FROM VISTA IRRIGATION DISTRICT**

SOI = Sphere of Influence

-  Proposal Area
-  Modification Area
-  Vista ID
-  Vista ID 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 AND
RELATED SPHERE OF INFLUENCE ACTION**

**“SUNSET DRIVE CHANGE OF ORGANIZATION”
DETACHMENT FROM THE VISTA IRRIGATION DISTRICT
LAFCO FILE NO. CO21-01**

WHEREAS, on February 4, 2021, interested landowner Alliance Development Services, Inc., filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to detach approximately 7.6 acres of incorporated territory within the City of Oceanside from the Vista Irrigation District; and

WHEREAS, the affected territory as proposed includes two incorporated undeveloped assessor parcels and identified by the County of San Diego Assessor’s Office as 168-020-64 and 168-030-45; and

WHEREAS, an applicable master enterprise resolution applies to the proposed change of organization dated September 16, 2009; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposed change of organization 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 1, 2021; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56425 and 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. With respect to the California Environmental Quality Act (CEQA), the Commission makes the following findings.
 - a) San Diego LAFCO serves as lead agency under CEQA for the conforming sphere of influence action associated with accommodating the change of organization. It is recommended the Commission find this action – and specifically the amendment of the Vista ID sphere to exclude the affected territory – is a project under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
 - b) The City of Oceanside serves as lead agency under CEQA for considering the change of organization and the detachment of the affected territory from Vista ID as part of its discretion to approve the underlying development project. In this role as lead agency the City Council certified and adopted a Notice of Determination and Mitigated Negative Declaration on April 24, 2019 and made findings that – among other items – water service by City of Oceanside could be adequately provided. As responsible agency, San Diego LAFCO staff has reviewed the Initial Study and associated documents and believes the City has made adequate findings for the Commission's use in approving the change of organization and no further analysis is required under CEQA.
4. The Commission APPROVES an amendment to Vista Irrigation District's sphere of influence to exclude the affected territory as further shown and described subject to all conditions below and in doing so makes the statements provided as Exhibit "A."
5. The Commission APPROVES the change of organization with discretionary modification as described below and subject to conditions as provided. Approval involves all of the following:
 - a) The affected territory is modified to include 0.46 acres of adjacent public right-of-way along Sunset Drive.
 - b) Detachment of the affected territory from the Vista Irrigation District is shown in "Exhibit B-1" and described in "Exhibit B-2."
6. The Commission CONDITIONS all approvals on the following terms being satisfied by November 1, 2022 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 \$100.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption and Notice of Determination consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$500.00.
 - A check made payable to LAFCO in the amount of \$658.50 to reimburse the public hearing notice published in the San Diego Union Tribune.
 - d) Submittal of confirmation to the Executive Officer from Vista Irrigation District that all respective District terms and conditions set forth in its resolution have been satisfied.
7. The Commission assigns the proposal the following short-term designation:

“Sunset Drive Change of Organization”
 8. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
 9. The Commission waives conducting authority proceedings under Government Code Section 56662.
 10. The Vista Irrigation District is a registered-voter district.
 11. The Vista Irrigation District utilizes the County of San Diego assessment roll.
 12. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Vista Irrigation District as provided under Government Section 57328.
 13. 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.
 14. 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.

15. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.

16. 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 November 1, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A
SPHERE OF INFLUENCE DETERMINATIONS

(1) The present and planned land uses, including agricultural and open-space lands.

The affected territory as submitted involves two incorporated, undeveloped, and unimproved parcels located within the City of Oceanside totaling 7.58 acres. Staff recommends expanding the affected territory to include approximately 0.46 acres of adjacent public right-of-way along Sunset Drive to conform with the City of Oceanside incorporated boundary. The subject parcels have a current entitlement to develop into a 48-unit townhome complex. The project does not currently include any open space or agricultural lands. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and planned land uses.

(2) The present and probable need for public facilities and services in the area.

There is an existing need for public water services within the affected territory to accommodate the planned development of a residential 48-unit townhome complex. Proceeding with the development is dependent on the establishment of public water services with the City of Oceanside as a term and condition of development approvals. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and probable service needs.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

The City of Oceanside is a member of the San Diego County Water Authority and has existing infrastructure and related capacities to readily accommodate potable water demands within the affected territory consistent with the approved development and highlighted by the construction of 48 residential units. Projected demands for potable water within the affected territory are not expected to consume more than .089% of City of Oceanside's existing capacities. Amending the sphere of influence to exclude the affected territory from Vista ID is consistent with these present and adequate capacities.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

LAFCO initially established relevant social and economic ties between the affected territory and City of Oceanside in concert with including the subject lands to the City's sphere of influence and jurisdictional boundary. Amending Vista ID's sphere of influence to exclude the affected territory syncs and strengthens these existing social and economic ties.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The affected territory and adjacent lands therein do not contain census tracts qualifying as a disadvantaged unincorporated community (DUC) under State statute or LAFCO policy.

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EXHIBIT B-1
MAP OF THE AFFECTED TERRITORY

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EXHIBIT B-2
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: de-annex APN's 168-020-64 and 168-030-45

from Vista Irrigation District

2. The reason(s) for the proposal are: As per attached City of Oceanside Planning Commission

Resolution 2018-P63, condition #134

Greg LaMarca

Proponent's Name (print)

Signature of proponent or representative

17828 Villamoura Drive

Poway, CA 92064

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> 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: De-annexation 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: City of Oceanside Planning Commission Resolution No. 2018-P63, #134 and payment of applicable fees

(d) The reason(s) for the proposal is/are: To meet condition of approval for development; City of Oceanside provides water service.

(e) Signers of this petition have signed as (select one): landowner; registered voter.

(f) The name(s) and mailing address(es) of the chief petitioner(s) (not to exceed three) is/are:

✓ 1. _____
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 IVa: REGISTERED VOTER 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:

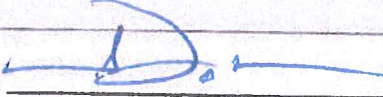
- I personally signed this petition.
- I am a registered voter within the County of San Diego.
- I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertained.

Name of Signer	Residence Address	Date Signed	Official Use
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

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  Print Greg LaMarca Alliance Development Services, Inc.	168-020-64 168-030-45	✓ 1/26/21	
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).

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

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

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

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

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

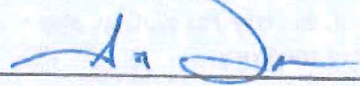
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

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

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

As part of this application, the City of Oceanside or the Vista Irrigation District, _____ (the applicant), and/or the _____ (real party in interest); subject landowner and/or registered voter agrees to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul San Diego LAFCO's review, approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees, expert witness fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. Applicant and/or real party in interest agree that San Diego LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest and that San Diego LAFCO's taking such action does not limit the obligations to indemnify and reimburse San Diego LAFCO's defense costs. This defense and indemnification obligation shall apply whether or not there is concurrent passive or active negligence on the part of the San Diego LAFCO, its agents, officers, attorneys, or employee. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

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

Agreed:
 Signature:  Date: 1/22/21
 Print/Type Name: Greg LaMarca, Alliance Development Services, Inc.
 Address: 17828 Villamoura Dr., Poway, CA 92064
 Telephone: (760-802-4888)

Property Address: _____
 Cross Street(s): Sunset Dr. and Sky Haven Ln.
 Assessor Parcel Number(s): 168-020-64 , 168-030-45 Acres: 7.78

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

Name: Greg LaMarca, Alliance Development Services or Jim McMenamin (858) 705-0242
 Address: 17828 Villamoura Drive jmcmenamin@all-dev.com
Poway, CA 92064
 Telephone: (760-802-4888)

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary *at this time* (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). _____

Condition of an approved tentative map

See attached resolution 2018-P63, #134

2. Describe the use of *developed* property within the proposal territory, including details about existing structures. Describe anticipated development of *vacant* property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. _____

48 townhomes anticipated 2021 development

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. _____

vacant land located along Sunset Drive in Oceanside, south of Highway 78

4. How many residents live within the proposal territory? none

5. How many of these residents are registered voters? none

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

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

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

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

1. COUNTY:

(a) The territory is within the City of Oceanside community plan.

(b) The County General Plan or community plan designation and allowed density: High density residential - City of Oceanside

(c) Current County zoning and allowed density: High density residential

2. CITY:

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

(b) The City General Plan land use designation and allowed density: R-H
High density residential - 48 townhomes

(c) Current City zoning and allowed density: R-H high density residential

(d) Current City rezoning and allowed density: R-H high density

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

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map	T15-00009	1/14/2019	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map			<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit			<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment			<input type="checkbox"/> YES <input type="checkbox"/> NO
City Rezoning			<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone			<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)			<input type="checkbox"/> YES <input type="checkbox"/> NO

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

North: residential East: residential - land
 South: residential - mobile West: residential - mobile

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

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

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

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

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

WATER SERVICE:

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

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

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

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

priority _____ minutes; non-priority _____ minutes

2. Is annexation for fire protection service part of this application? YES NO
3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of the proposed fire service provider: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

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

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

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory: priority _____ minutes; non-priority _____ minutes

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

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

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

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

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

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

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

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

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

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

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

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: N/A

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

- 1. N/A
- 2. _____

(c) Date and amount of contribution:
Date N/A Amount \$ _____
Date _____ Amount \$ _____

(d) Name of commissioner to whom contribution was made:
1. N/A
2. _____

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

Printed Name N/A
Signature _____
Date _____ Phone _____

To be completed by LAFCO:
Proposal:
Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

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

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

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

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

Yes

No

Date of contribution N/A Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

Date of contribution N/A Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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


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

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

(Please list all proposed actions)

Annexation to: 1. _____
 2. _____
 3. _____

Detachment from: 1. Vista Irrigation District
 2. _____
 3. _____

	<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
✓	1. <u>1/26/21</u>	 <u>GREG LA MARCA</u>	<u>168-020-64; 168-030-45</u>
	2.	<u>ALLIANCE DEVELOPMENT SERVICES, INC.</u>	
	3.		
	4.		
	5.		

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

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

Signature of agency representative

Print name

Title

Telephone

Date

A. JURISDICTIONAL INFORMATION:

Name of agency: _____

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
If yes, please provide details of all costs: _____
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

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

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? _____

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? _____

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)? _____

(b) What is the agency's peak flow capacity (expressed in million gallons per day)? _____

(c) Has the agency exceeded the flow (peak) capacity within the past two years?

YES NO

(d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? _____

YES NO

(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? _____

(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity?

YES NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? _____

YES NO

(b) *If yes*, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units): _____

(c) *If no*, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: _____

7. Will the proposal territory be annexed to a sewer improvement district? _____

YES NO

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is _____ feet.

(b) Describe the location of the connection to the agency's existing sewer system: _____

C. WATER SERVICE:

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

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

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

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

3. (a) Has the agency issued a letter of water availability for the proposal territory? YES NO

(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

4. (a) The distance for connection of the proposal territory to the agency's existing water system is _____ feet.

(b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? YES NO

(b) *If yes*, describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? YES NO

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

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

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

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

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

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

RESOLUTION NO. 21-22

RESOLUTION OF THE BOARD OF DIRECTORS OF
VISTA IRRIGATION DISTRICT

SETTING THE TERMS AND CONDITIONS OF DETACHMENT FOR
SUNSET DRIVE CHANGE OF ORGANIZATION

APN 168-020-64 and 168-030-45; LN 2021-006;
CF 500-375; LAFCO CO21-01; DIV NO 4

WHEREAS, a petition was submitted by the property owners to the Local Agency Formation Commission (LAFCO), the lead agency, for a change of organization of territory, including the detachment of two parcels from the Vista Irrigation District (District) and annexation to the City of Oceanside (Oceanside) for water service; and

WHEREAS, LAFCO has requested terms and conditions of detachment for the two undeveloped parcels consisting of approximately 7.8 gross acres.

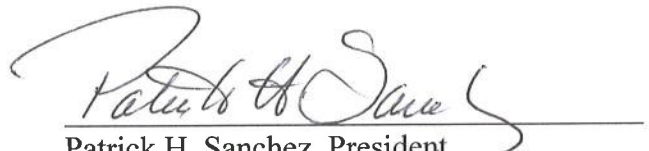
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vista Irrigation District that this detachment is conditioned upon the following:

1. Payment of the District administration fee of \$2,262.00.
2. Submittal of final maps and geographic descriptions of the affected territory and associated boundary changes as approved by LAFCO.
3. Completion of annexation procedures with Oceanside prior to final detachment with the District.


BE IT FURTHER RESOLVED that compliance with the above terms and conditions shall be completed prior to adoption by LAFCO of the finalizing resolution ordering the detachment.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors for the Vista Irrigation District this 18th day of May 2021.

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


Patrick H. Sanchez, President

ATTEST:


~~Lisa R. Soto, Secretary~~ Ramae Ogilvie
Board of Directors Assistant Secretary
VISTA IRRIGATION DISTRICT