

LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

FOR MEETING OF: APRIL 4, 2016

Proposal

Proposed "Stonemark Estates Annexation" to the Buena Sanitation District (DA15-12)

Proponent

Property owner, by petition

Description/Justification

Proposed is an annexation of two parcels totaling 28.05 acres to the Buena Sanitation District (SD) to obtain public sewer service for a planned residential development known as "Stonemark Estates." The primary parcel (APN: 169-200-20) will be the location of a residential subdivision of 25.8 acres consisting of 19 lots ranging in size from 0.5 to 4.3 acres. The secondary parcel (APN: 169-200-11 totaling 2.2 acres) is adjacent but not part of the proposed residential development. In order to promote orderly development by providing public sewer to the parcels and to comply with the County Subdivision Ordinance Section 81.707 and 81.708, both parcels will be annexed into the Buena SD as conditioned in the adopted resolution for Tentative Map No. 5479RPL6.

On May 6, 2015 the Board of Supervisors approved the General Plan Amendment and zone designation for the project site only (APN: 169-200-20). The amendment changed the General Plan Land Use Designation from SR-1 (one dwelling unit per one, two, or four acres) to SR-3 (two dwelling units per acre) and the zoning from General Agriculture (A70: one acre minimum lot size) to Single-Family Residential (SR2: half-acre minimum lot size). The secondary parcel (APN: 169-200-11) will maintain the current land use and zone designation.

The annexation area is adjacent to Buena Sanitation District; however, it is not in the District's sphere of influence boundary. Even though the District has a transitional (zero) sphere, current LAFCO policy allows annexation. Administrative duties for the District are performed by the City of Vista, which has adopted an annexation policy requiring property owners to offset costs related to service provision. Thus, the property owner is required to make a financial contribution to reimburse some of the costs associated with a necessary sewer system upgrade. The annexation area is currently uninhabited, surrounded by residential development and is within the Vista Irrigation District and Vista Fire Protection District. No change to water or fire protection services is necessary. The proposed development is consistent with the local pattern of growth since the site is surrounded by existing homes. A master enterprise property tax resolution pertains to this application.

General Plan/Zoning

The North County Metropolitan Subregional Plan Area designation is Semi Rural - Residential (SR-3: two dwelling units per acre); County zoning is Single-Family Residential (SR2: half-acre minimum lot size).

Location

The proposed annexation area is located north of Live Oak Road; east of Buena Vista Drive; south of Mar Vista Drive; west of Park Hill Road. The City of Vista abuts the project site on portions of the southern and northern boundaries.

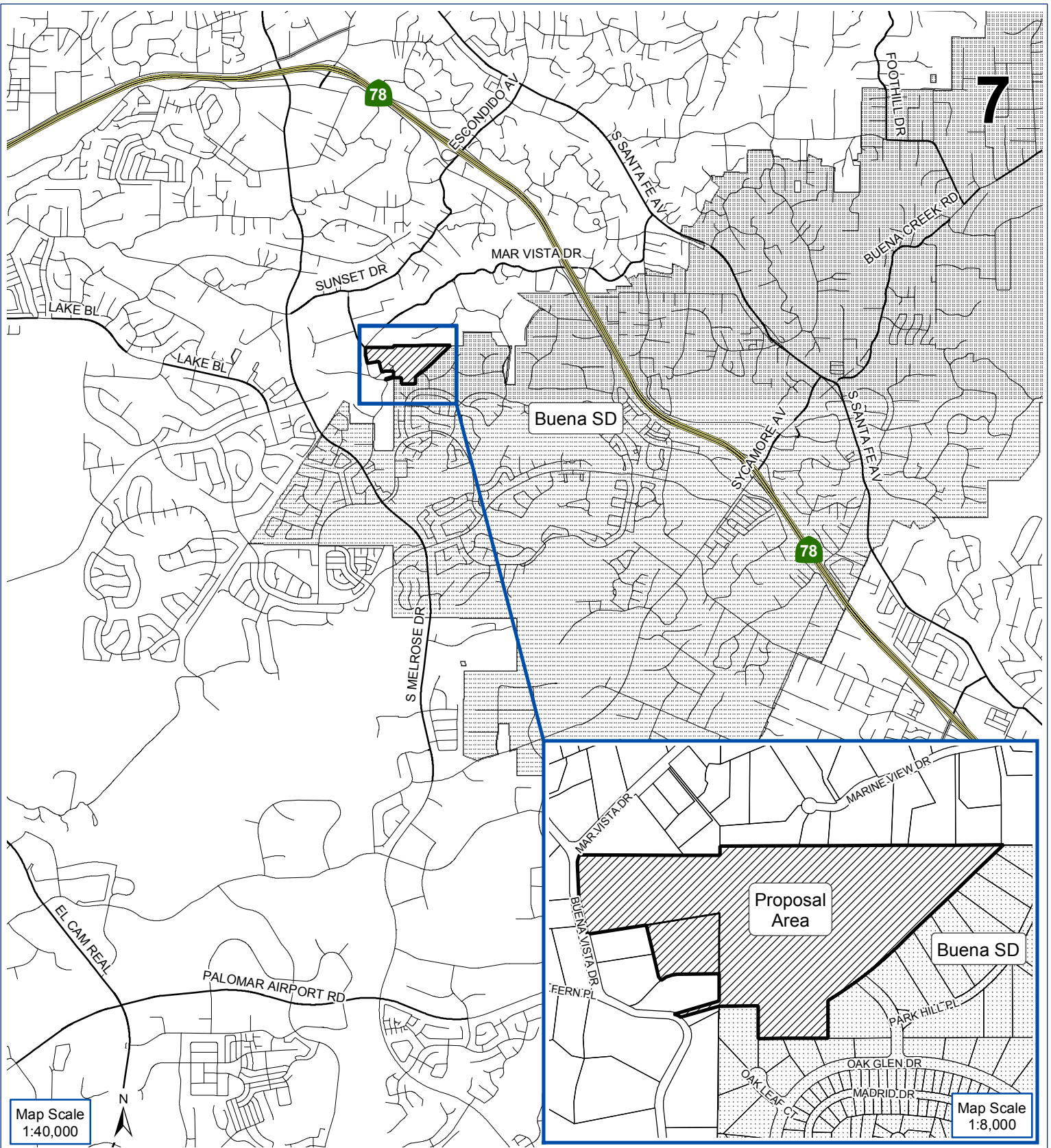
Executive Officer Recommendation

- (1) Concur in the determination by the County of San Diego that the project site (APN: 169-200-20) is exempt from CEQA review pursuant to State CEQA Guidelines (“G”) Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning;
- (2) Find in accordance with the Executive Officer’s determination, that pursuant to Section 15319(b) of the State CEQA Guidelines, the secondary parcel (APN: 169-200-11) is not subject to the environmental impact evaluation process because the annexation area consists of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures; and
- (3) Adopt the form of resolution approving the annexation for the reasons set forth in the Executive Officer’s Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following term and condition:
 - a. Payment by the property owner of District annexation and sewer capacity fees and State Board of Equalization charges.
 - b. Completion of Requirements, Terms, Fees, and Conditions of Approval are listed in the Attachment.

Attachments



Vicinity Map
Terms & Conditions

MDO:JS:eb



DA15-12

PROPOSED "STONEMARK ESTATES ANNEXATION" TO THE BUENA SANITATION DISTRICT

-  Proposal Area
-  Buena SD



BHA, Inc.
5115 Avenida Encinas
Suite-L
Carlsbad, CA 92008-4387

September 11, 2013

Project: 1240 Buena Vista Drive, APN169-200-20
County TM-5479, Vista SLTR-1221
Stonemark Estates (19-Lot Residential Development)
PAS Investors, LP
Sewer Basin: OV1(66)
Application Submittal: 8/28/2013
These Conditions Expire on: September 11, 2015

Subject: **COV-BSD – Requirements, Terms, Fees, and Conditions of Approval for Sewer Availability**

Gentlemen:

The purpose of this letter is to inform you (the applicant & developer) that the district has reviewed the subject county '19-Lot Residential Tentative Map' and the 'Project Facility Availability' application dated August 27, 2013, and *expiring two year after the date of approval*. District determined that the project design must satisfy the following Requirements, Terms, Fees, and Conditions of Approval to be eligible for sewer services from the City of Vista (COV) and the Buena Sanitation District BSD)

Requirements, Terms, Fees, and Conditions of Approval:

1. Sewer Availability: The project site is located outside of both jurisdictional boundaries of the City of Vista and the Buena Sanitation District. Given this condition or circumstance, neither the City of Vista, nor the Buena Sanitation District can provide sewer services for this development. Therefore, sewer service to this proposed residential development is contingent upon Developer/Applicant
 - a. Annexing the proposed parcel (development) into the Buena Sanitation District,
 - b. Including, as part of LAFCO annexation, all other surrounding/adjacent parcels, which septic sewer systems are impacted by the development
 - c. Annexing and paying all normal and customary City of Vista, Buena Sanitation District, State, and LAFCO fees and charges, which are due at the time of application for annexation (*Ref. San Diego County Ordinance No.24*)

2. Sewer Capacity:
 - a. This project site is within the Oceanside-Vista (OV) Sewer Basin OV1, and sewer is being provided under an existing 'Sewerage Flow Transfer Agreement between City of Vista and City of Oceanside' (*Ref. Doc.No.84-173, dated October, 10, 1984*)
 - b. This Flow Transfer Agreement provides sufficient sewer capacity for the proposed residential development and adjacent properties,
 - c. The project peak sewer capacity estimate based on the Tentative Subdivision Map submittal dated August 27, 2013, will be based on the current City of Vista

Municipal Codes (Ref. VMC Sections 14.01.030, 06.120, & 130), which is 1.7 EDUs maximum for each lot

Note: The current sewer capacity charge per EDU is available at City's Development Services Counter, and is due and payable immediately prior to issuance of the building permit. Prorated sewer service charges are initially billed for the current fiscal year and thereafter collected on the property tax roll (Ref. VMC 14.06.090 & 14.06.100). The capacity fee is subject to change based on the fee structure at the time the building permit is issued

3. Project Impact on adjacent Private Septic Systems: Surrounding adjacent parcels are served by existing private septic systems. The County has setback requirements for proposed cut slopes and retaining walls near septic systems. It shall be the responsibility of the developer to comply with County Department of Environmental and Health (DEH) for any cut slope restrictions impacting the surrounding adjacent septic systems. Below is the link to the County of San Diego's website for septic systems. Click the link at the bottom of the page "Design Manual for Onsite Wastewater Systems". This will provide you the latest requirements

http://www.sdcountry.ca.gov/deh/water/lu_septic_systems.html

Also, the Geotechnical/Soils Report shall address the impact of cut-slopes near surrounding adjacent septic systems in order to prevent potential sewage migration across cut-slopes

Once the project site has been annexed into the Buena Sanitation District, the following additional Requirements, Terms, Fees, and Conditions of Approval will apply:

1. Sewage Flow Transfer Agreement: Developer shall file, execute, and record a 'Sewage Flow Transfer Agreement'
2. Sewer Availability: The project site is located within the VSD sewer basin number OV1(66). An existing 8-in PVC (Dwg-3722, 2005-Yr) public sewer main along Buena Vista Drive is available for connection. Refer to the existing record drawings and the existing CCTV inspection logs and videos for location and condition of the existing pipes, respectively
3. 'Public' Sewer Main Extension:
 - a. Developer shall construct an 8-inch public sewer main along the proposed private roadway to provide sewer service to the proposed residential development
 - b. Each proposed detached building shall have an individual, gravity flow, private sewer lateral and cleanout fronting and connecting to the private sewer main
 - c. Construction Sewer Improvement plans are to be designed and prepared by a Registered Professional Civil Engineer, and construction and inspection of the 'public' sewer main is to be done per Public Standards and/or as directed by the City Engineer, including Pre- & Post-CCTV inspection (Ref. VMC 14.08)
 - d. Additional requirements may apply pending a formal and complete detailed submittal of the private/public sewer improvement plans. The exact location & geometrics of the proposed private/public sewer facilities design shall be as determined by the City Engineer during formal plan review process

4. Project Impact on adjacent Private Septic Systems: Surrounding adjacent parcels are served by existing private septic systems. The County has setback requirements for proposed cut slopes and retaining walls near septic systems. It shall be the responsibility of the developer to comply with *County Department of Environmental and Health (DEH)* for any cut slope restrictions impacting the surrounding adjacent septic systems. Below is the link to the County of San Diego's website for septic systems. Click the link at the bottom of the page "Design Manual for Onsite Wastewater Systems". This will provide you the latest requirements

http://www.sdcounty.ca.gov/deh/water/lu_septic_systems.html

Also, the Geotechnical/Soils Report shall address the impact of cut-slopes near surrounding adjacent septic systems in order to prevent potential sewage migration across cut-slopes
5. 'Public' Sewer Easements: Developer shall
 - a. Abandon any surplus public sewer easements in accordance with district procedures
 - b. Dedicate the full width of the proposed private roadway as a public sewer easement
 - c. Easements shall be provided to surrounding adjacent properties as needed
6. Proposed Trail:
 - a. The proposed 6-foot wide trail along Lots 14, 15, 16, and 17 shall not connect to the existing sewer maintenance access road
7. RWQCB Compliance:
 - a. Developer is to comply with the *RWQCB, Order No. 96-04* requirements for Sewer Spill Prevention and Response Plan (SSP&RP). Compliance can be met by proper engineering design and construction, installing approved sewer manholes, facilitating maintenance & access, and performing the required pre- and post-CCTV inspection
8. Bonds & Securities Requirements: All sewer improvements must be separately bonded with the City of Vista-Buena Sanitation District. All other normal and customary fees shall apply, and are required to be paid during the formal plan review process, or prior to district issuance of a construction permit
9. City of Vista Annexation Requirements: Developer is required to file and record a City of Vista Irrevocable Offer of Annexation (IOA) Agreement with the City of Vista in accordance with District/City standards
10. Final Map Requirements: Prior to the district issuing a 'Signature Omission' letter, 'Project Facility Commitment' letter, and/or 'Letter of Compliance', the developer shall comply with the following requirements:
 - a. File and record all required public sewer access and easements, and a 'Vista Irrevocable Offer of Annexation' agreement,
 - b. Bond the project, and
 - c. Pay all required and pertinent fees and charges

11. Pre-Construction Assessment of Sewer Facilities: Prior to the approval the construction or grading plans, the developer shall perform a pre-television inspection of all sewer facilities within the project site, and surrounding areas, to assess the pre-existing conditions of the public sewer facilities

12. Post-Construction Assessment of Sewer Facilities: All new and existing sewer facilities are required to be post-construction CCTV inspected prior to finish paving and prior to 'Final Release' or 'Occupancy' of the buildings, the developer shall perform a final post-construction CCTV inspection of all the sewer facilities. All aspects of the required sewer main CCTV inspection operation and assessment are required to be scheduled and coordinated with the district, and shall be approved by or under the direction of the City/District Sanitation Engineer

13. Acceptance of these Requirements, Terms, Fees, and Conditions: Filing and approval of the proposed residential 'Tentative Subdivision Map' and/or formal submittal of improvement plans for review constitutes acceptance of these Buena Sanitation's requirements, terms, fees, and conditions of approval

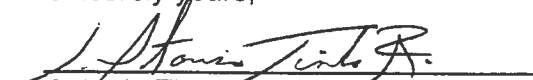
Developer and Engineer, please sign below as proof you have read these requirements, terms, fees, and conditions of approval, and that you have no objections. Once I receive a copy of this letter with your signatures and dated, I will release the signed 'Project Facility Commitment' Letter to the County

Developer:	Date: _____
Print _____ Name:	

Engineer:	Date: _____
Print _____ Name:	

This letter is issued for planning purposes only, and is not a representation, expressed or implied, that the district will provide sewer services at a future date. Commitment to provide sewer services is made by the District's Board, and is subject to compliance with district's conditions, terms, fees, charges, rules, and regulations. For questions regarding these conditions of approval, please contact Tony Tirado, P.E., at 760.726-1340, extension 1372 (email: ttirado@cityofvista.com)

Sincerely yours,


 Antonio Tirado, P.E., Assistant Civil Engineer
 City of Vista – Buena Sanitation District

Cc Elmer Alex, Sanitation Engineer
 Greg Mayer, District Engineer
 File