



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

5d

AGENDA REPORT
 Consent | Action

November 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Michaela Peters, Analyst I

SUBJECT: **Proposed “Escondido North LLC-Stanley Avenue Reorganization - B” (Ash) | Annexation to the City of Escondido with Concurrent Detachment from County Service Area No. 135 and Related Actions (RO23-07-B)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal initiated by landowner petition with the principal action to annex 5.35 unincorporated acres to the City of Escondido. A concurrent detachment from County Service Area (CSA) No. 135 and its regional communication service function is also part of the reorganization. The affected territory includes two non-contiguous legal parcels with the larger of the two undeveloped and subject to a tentatively approved 20-unit subdivision (“Ash Residential Subdivision”). The purpose of the proposal is to accommodate the planned development for the larger parcel while also extending wastewater service to the other parcel already developed with a single-family residence. Staff recommends conditional approval of the proposal as submitted to include removal of the affected territory from Rincon del Diablo Municipal Water District’s authorized fire protection and emergency medical service area (Improvement District E). Other standard terms would apply. It is also recommended the Commission waive protest proceedings along with making parallel findings to the mitigated negative declaration adopted by Escondido.

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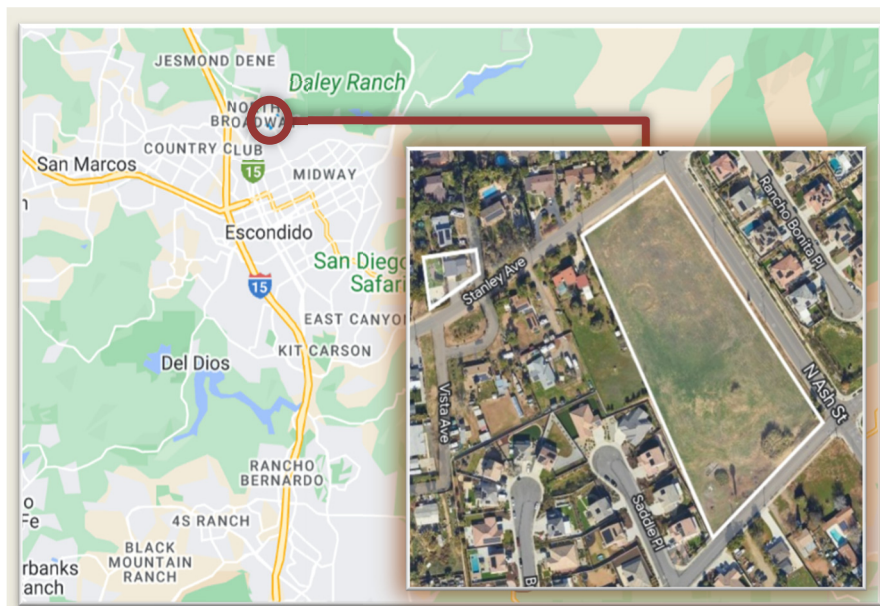
BACKGROUND

Applicant Request

San Diego LAFCO has received a proposal initiated by landowner petition (Escondido North LLC) for the primary purpose of annexing approximately 5.35 acres of unincorporated territory to the City of Escondido. (The proposal – pertinently – is part of a larger multi-project filing that has been administratively separated by the Executive Officer into “A” and “B”. This proposal is B).¹ The affected territory as submitted comprises two non-contiguous parcels with one developed with a 1,470 square foot single-family residence at 508 Stanley Avenue and the other undeveloped with a temporary situs assignment of 0 North Ash Street. A secondary action to detach the affected territory from CSA No. 135 and its regional communication function is also part of the proposed reorganization. The County Assessor’s Office identifies the subject parcels as 224-130-45 (508 Stanley) and 224-130-10 (0 North Ash). No approval terms accompany the landowner petition.

Regional Setting

The affected territory is located in an unincorporated island within the City of Escondido’s norther perimeter commonly referred to as the “Hidden Meadows” area. North Ash Avenue provides the affected territory with north-south arterial access with the Escondido City Hall approximately 2.7 road miles away in distance. The affected territory lies within County Supervisorial District No. 5 (Jim Desmond), Assembly District No. 76 (Brian Maienschein), and Senate District No. 40 (Brian W. Jones). An aerial map of the affected territory and its regional setting follows with a more detailed map – including the existing parcel and jurisdictional boundaries – provided at Attachment One.



¹ San Diego LAFCO received a landowner petition in May 2023 requesting proceedings for a reorganization involving annexation of 7.4 acres to the City of Escondido. The proposed reorganization comprises three distinct areas involving two projects known as the “Conway Subdivision” and the “Ash Residential Subdivision”. The proposal also includes one parcel that accommodates a landowners’ interest in joining in the annexation. The proposal has been administratively bisected into two separate proposals RO23-07-A & RO23-07-B. This staff report considers the “Ash Residential Subdivision” (RO23-07(b)).

Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: the City of Escondido and CSA No. 135.² Summaries of the subject agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- **City of Escondido** was incorporated in 1888 as a general-law municipality with an existing estimated resident population of 152,292. Escondido spans 23,971 acres or 37 square miles and bordered by the unincorporated community of Valley Center to the north and east, the Cities of San Diego and Poway to the south, and the City of San Marcos to the west. Escondido is a full-service municipality and headlined by directly providing community planning, fire protection, parks and recreation, police protection, wastewater, and water services with the latter – water – geographically limited and supplemented by other special districts within City limits. LAFCO last reviewed and updated Escondido’s sphere in 2023 with a larger-than-agency designation that includes several unincorporated areas – including Hidden Meadows. Escondido’s most recent audit shows its net position at \$527.1 million as of June 30, 2022 with an unrestricted balance of (\$108.0) million. The unrestricted amount is adjusted to \$98.7 million less pension and related retiree liabilities. The ending non-restricted balance within the General Fund separately finished at \$32.2 million. Overall, Escondido’s total net position has changed by (19.9%) over the prior three audited years.
- **CSA No. 135** is a dependent special district of the County of San Diego encompassing 3,739.8 square miles and includes all unincorporated lands as well as 10 of the 18 cities in San Diego County. CSA No. 135 was formed in 1994 to provide public safety radio communications through a funding agreement with a third-party (Regional Communication Systems, LLC) and involves operating an 800-megahertz system. Administration of this municipal function is provided by County Sheriff. The current estimated resident population within CSA No. 135 is 1,074,319. LAFCO established a sphere of influence in 1994 coterminous to San Diego County. The sphere was last reviewed and affirmed in 2007. The most recent audit shows the County’s net position at \$3.790 billion as of June 30, 2022 with an unrestricted portion of (\$1.858 billion) that adjusts to \$1.297 billion less retiree obligations. Overall, the County’s total net position has changed by 5.4% over the prior three audited years.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 10 local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These agencies qualify as “affected agencies” relative to the proposed reorganization for noticing purposes and listed below.³

² State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

³ 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.

- CSA No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- North County Cemetery District
- North County Transit District
- Palomar Healthcare District
- Rincon del Diablo MWD
- Resource Conservation District of Greater San Diego County
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Diego County Water Authority

The affected territory also lies within the following school and college districts, and accordingly received notice of the proposal: Escondido Union High School District, Escondido Union School District, and Palomar Community College District.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the reorganization proposal and its principal action to annex the affected territory to the City of Escondido. 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, development opportunities, and Commission focus follows.

Proposal Purpose

The principal purpose of the proposed reorganization before San Diego LAFCO is to accommodate the planned development of the larger of the two subject parcels under the City of Escondido’s land use authority into 20 residential units as part of the Ash Residential Subdivision. The timing of the proposal ties directly to the discretionary approval of the Ash Residential Subdivision by Escondido in June 2023. The other subject parcel comprising the affected territory has been added to the proposal at the request of the landowner and done so following the applicant’s surveying of other properties in the unincorporated island.

Current and Planned Development Opportunities

The affected territory is presently unincorporated and entirely designated by the County of San Diego as Semi-Rural Residential (SR-1) with a matching zoning assignment. This existing assignment prescribes a 1.0-acre minimum lot size and means a maximum density potential under the County’s land use authority of six parcels less any ancillary limitations and/or allowances. (All new lot density would involve subdividing the larger of the two subject parcels at 0 Ash Street.) The existing County assignment also allows for one accessory dwelling unit per single-family residence and results in a maximum intensity potential of up to 12 units. Escondido separately designates the affected territory as Suburban with a pre-

zoning assignment of Suburban R-1-10, which prescribes a 0.23-acre minimum lot size. This pre-zoning assignment provides a maximum density potential under the City’s land use authority of 23 parcels less any ancillary limitations and/or allowances. The pre-zoning assignment also prescribes no more than 3.3 units per acre. This latter restriction sets the maximum intensity potential of up to 18 units. The following table summarizes development density/intensity potentials within the affected territory under the County and Escondido.

Development Density + Intensity Potential within the Affected Territory (Table X Source: San Diego LAFCO)		
	County of San Diego	City of Escondido
Zoning Assignment	Semi-Rural Residential - 1	Suburban R-1-10
Minimum Lot Size	1.0 acres	0.23 acres
Maximum Units Per Acre	none	3.3
Maximum No. of Lots		
... APN 224-130-45	1	1
... APN 224-130-10	5	22
... TOTAL	6	23
Maximum No. of Units		
... APN 224-130-45	2	1
... APN 224-130-10	10	17
... TOTAL	12	18

As referenced, the larger of the two subject parcels comprising the affected territory at 0 North Ash Street ties to the tentatively approved Ash Residential Subdivision. This project involves dividing the 5.09-acre parcel into 20 single family residential lots along with two lots dedicated for open space and a stormwater retention basin. The project includes a State Density Bonus allowance along with related waivers that allow the subject parcel’s development to exceed the City’s otherwise set intensity allowance. All but one of the 20 residential parcels will be offered as market-rate with the other deed restricted to very low-income buyers. The addition of the other parcel at 508 Stanley Avenue adjusts the maximum density/intensity for the entire affected territory post the Ash Residential Subdivision entitlement to up to 21 residential units.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for the City of Escondido includes the affected territory and can readily accommodate the proposed annexation without amendment. Similarly, the current sphere of influence designation for CSA No. 135 is countywide and amendments have not been made by practice to exclude detached territory. These existing sphere determinations narrows the Commission’s consideration of the proposed reorganization to two central and sequential policy items. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the reorganization and (b) whether discretionary modifications or terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law as detailed.

ANALYSIS

San Diego LAFCO’s analysis of the proposed reorganization is divided into two subsections. The first subsection pertains to evaluating the central policy issues referenced in the preceding section relative to both statutory and local policy considerations. The second subsection considers other germane issues required for the LAFCO proposal consideration and this include complying with the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Reorganization Timing

San Diego LAFCO’s consideration of the proposed reorganization’s timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies as well as assessing the ability of subject agencies providing services going forward.⁴ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:

Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation’s relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed reorganization with an emphasis on the receiving entity (City of Escondido) regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the present and planned residential land uses of the affected territory merits organized public services and would be aided by the reorganization and annexation to Escondido and its ability to provide a range of urban-supporting services. The Commission has previously designated Escondido as the appropriate future land use authority and primary service provider for the affected territory and its two subject parcels through standing inclusion in the City’s sphere of influence. Annexation to Escondido memorializes this standing

⁴ Reference to Government Code Section 56668.

expectation and accommodates the expressed interest of the affected landowners as evident by their written consent in proceeding with proposal.

- With respect to **service availability and capacities**, Escondido would directly assume most municipal service responsibilities for the affected territory upon reorganization and highlighted by providing the following core functions: community development; wastewater; integrated fire protection and emergency medical; and police protection. (Other key municipal service functions that would continue to be provided to the affected territory post reorganization include water by Rincon del Diablo MWD and public transportation by North County Transit District.) Additional details on these core Escondido functions and relationship – availability and capacity – with the affected territory follows.

Escondido would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. The transition is contemplated in the Escondido General Plan (2012) and further prescribed by the City rezoning the subject lots as Suburban R-1-10.

Escondido would assume wastewater service responsibilities for the affected territory upon reorganization. An existing Escondido wastewater main is located immediately adjacent to the affected territory within the public right-of-ways. It is estimated the current average day wastewater flow generated within the affected territory via its one existing residential unit is 250 gallons. It is projected the maximum average day wastewater flow generated within the affected territory post reorganization and immediately planned uses is 5,250 gallons. (This projected amount involves connection of the existing single-family residence at 508 Stanley Avenue and the planned 20 single-family residences at 0 North Ash Street.⁵) This projected amount can be readily accommodated by the City of Escondido and represents 0.095% of its available treatment capacity remaining within its wastewater system.

Escondido would formally assume integrated fire protection and emergency medical service responsibilities for the affected territory. This change would have no material impact on service levels given Escondido is the existing contract provider for Rincon del Diablo Municipal Water District (via its Improvement District E). First-response would continue to be provided from Escondido’s Station No. 7, located nearby at 1220 N. Ash Street. Response times to the affected territory are estimated to be less than 4 minutes for priority calls and non-priority calls. Total response time would fall within the City's response time standard of 7.5 minutes for urban areas and 8.5 minutes for suburban areas.

⁵ The landowner at 508 Stanley Avenue does not currently plan on connecting their property to Escondido’s wastewater system. However, and for purposes of this report, it is assumed a connection will be established within the near term.

Escondido would formally assume police protection responsibilities from the County of San Diego as part of the reorganization. This change would have no material impact on service levels given Escondido’s automatic aid agreement with the County Sherriff already commits the City to serve as first responder for all high proximity calls for the region given its proximity to City resources.

- With respect to **related financial considerations**, staff analysis shows the City of Escondido has financial resources and administrative controls to readily assume municipal service responsibilities to the affected territory in support of its existing and planned uses without significant adverse impacts. This macro comment considers the relatively limited scale of the proposed annexation to Escondido paired with acknowledging recent City stresses due to escalating resources requiring redirection to cover pension costs. Escondido, nonetheless, finished with positive total margins in each of the last three completed fiscal years with a period average of 8.3% ending in June 2022.
- Timing Factor No. 2:
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.⁶ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

No jurisdictional disputes have been disclosed by the City of Escondido, CSA No. 135, or County of San Diego through the administrative review with LAFCO.

CONCLUSION | MERITS OF REORGANIZATION TIMING

The timing of the reorganization and its principal action to annex the affected territory to the City of Escondido is warranted. Justification is marked by the preceding analysis and facilitates a known and otherwise orderly infill development project consistent with the Escondido General Plan. Further, the reorganization readily syncs with Escondido’s existing infrastructure with sufficient capacities to accommodate the maximum potential demands projected within the affected territory post reorganization. Additional analysis supporting the conclusion is provided in Appendix A.

6 The Executive Officer retains discretion to determine the extent of consultation needed.

Item No. 2 | Modifications and Terms

No modifications to the submitted reorganization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes confirmation that the annexation of the affected territory would not generate any corridors and/or otherwise illogical jurisdictional features. Standard terms are appropriate along with the condition the landowners’ consent to the formal removal of the subject parcels from Rincon del Diablo MWD’s Improvement District-E with related authorization for LAFCO staff to process the change with the County Auditor and State Board of Equalization.

CONCLUSION | MODIFICATIONS AND TERMS

No modifications – expansions or reductions – to the physical footprint of the proposal appears warranted. Standard approval terms are recommended as well as requiring the affected landowners to consent to the removal of their subject parcels from Rincon del Diablo MWD’s Improvement District E along with any related authorizations.

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 involving an annexation and/or detachment unless an applicable master agreement applies. Staff has confirmed with the City of Escondido and County of San Diego to apply an existing master agreement to govern the tax exchange for the proposed reorganization. This master agreement specifies Escondido shall receive 36% of the County’s existing apportionment of the 1% property tax collected within the affected territory going forward. The estimated annual value of the exchange is currently \$1,904 based on current assessed values (land and structures).⁷ There are no property taxes to be exchanged with respect to the detachment from CSA No. 135.

Environmental Review

San Diego LAFCO is obligated under CEQA to assess whether environmental impacts would result from activities approved under the Commission’s authority, either as a lead or responsible agency. Accordingly, the Commission is tasked with making findings under CEQA in consideration of the proposed reorganization. Staff’s analysis follows.

- The City of Escondido serves as lead agency under CEQA for considering the reorganization and specifically the principal action to annex the affected territory to the City as part of its discretion to approve the underlying development project at o

⁷ The current 1% property tax received by the County from the two subject lots is \$5,289.16.

North Ash Street along with the inclusion of the ancillary parcel located at 508 Stanley Avenue. In this role as lead agency, on June 14th, 2023, Escondido certified an Initial Study and adopted a Mitigated Negative Declaration (MND) for the project and identified potential significant environmental impacts for all of the following categories: air quality; biological resources; cultural and tribal resources; geology and soils; hazards and hazardous materials; noise; and transportation and traffic. Escondido attests the implementation of mitigation measures reduce these potential impacts to less than significant levels. Staff independently believes Escondido has prepared a sufficient document as lead agency and it would be appropriate for the Commission to adopt the finding of the MND as a responsible agency.

- LAFCO serves as lead agency under CEQA for considering the secondary action to detach the affected territory from CSA No. 135 and its regional communication service function. Staff believes the detachment is a project under CEQA but qualifies for exemption under Guidelines Section 15320. This exemption appropriately applies given the subject service – regional communications – will be entirely transferred and assumed by Escondido without any material changes in the scope, scale, or adequacy post reorganization.

Protest Proceedings

Protest proceedings for the proposed reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law (i.e., less than 11 voters), the subject agencies have not filed objections to the waiver, and the landowners have consented to the underlying action.⁸

RECOMMENDATION

Staff recommends conditional approval of the reorganization proposal as submitted without any physical modifications. This recommendation is consistent with the action outlined as Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution approving the reorganization proposal as submitted with terms – including removal of the affected territory from Rincon del Diablo MWD’s IDE – along with waiving protest proceedings. CEQA findings are also included.

8 LAFCO law defines uninhabited as territory in which less than 11 registered voters reside.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,



Michaela Peters
Analyst I

Appendices:

- A) Analysis of Proposal Review Factors

Attachments:

- 1) Vicinity Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Application Materials
- 4) *Clickable link* [Final MND \(Ash Residential Subdivision\)](#)

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APPENDIX A
Government Code Section 56668
Proposal Review Factors

- a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, in the next 10 years.**

The affected territory as submitted comprises two unincorporated non-contiguous parcels spanning 5.35-acres adjacent to the City of Escondido. One subject parcel is developed with a single-family residence located at 508 Stanley Avenue (APN 224-130-45) and presently occupied with two residents and two registered voters. The other subject parcel is undeveloped at 0 North Ash Street (APN 224-130-10) with plans of developing 20 single-family residences as part of a tentatively approved subdivision – Ash Street Residential Subdivision. The affected territory lies within an unincorporated island and transitioning towards more high residential density. Additional growth and development within the adjacent area – and highlighted by the nearby Conway Subdivision – is expected in the next 10 years. Total assessed value (land and structures) of the subject parcel is \$528,916 with the last transaction recorded in September 2020.⁹

- 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 Escondido would assume the primary role in providing core municipal service functions for the affected territory if the reorganization is approved. This would include the need and related provision of community planning, wastewater, fire protection and emergency medical, and police protection. (Potable water service to the affected territory would continue to be provided by Rincon del Diablo MWD). A summary of the existing adequacy of these core services follows.

- Escondido would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. This transition is explicitly contemplated in the Escondido General Plan (2012) and further prescribed by the City pre-zoning the subject lot as Suburban R-1-10.
- An existing Escondido wastewater main is located immediately adjacent to the south affected territory within the public right-of-way on Lehner Avenue and presently accessible through an approximate 25-foot private lateral connection. It is projected the maximum average day wastewater flow generated within the affected territory

⁹ Total assessed land value of the subject parcel is \$300,990.

post reorganization and planned uses is 5,250 gallons and tied to accommodating the 20 residential units to be built in addition to the existing single-family residence currently connected to a septic system for a total of 21 residential units. This projected amount can be readily accommodated by the City of Escondido and represents 0.095% of its available treatment capacity remaining within its wastewater system.

- Escondido would formally assume integrated fire protection and emergency medical service responsibilities for the affected territory. This change would have no material impact on service levels given Escondido is the existing contract provider for Rincon del Diablo Municipal Water District (via its Improvement District E). First-response would continue to be provided from Escondido’s Station No. 7, located across the street from the affected territory at 1220 N. Ash Street. Response times to the affected territory are estimated to be less than 4 minutes for priority calls and non-priority calls. Total response time would fall within the City’s response time standard of 7.5 minutes for urban areas and 8.5 minutes for suburban areas.
- Escondido would formally assume police protection responsibilities from the County of San Diego as part of the reorganization. This change would have no material impact on service levels given Escondido’s automatic aid agreement with the County Sheriff which already commits the City to serve as first-responder for all high priority calls for the region given its proximity to the City boundary.

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

Approving the reorganization and annexation therein to the City of Escondido would reflect and strengthen existing economic and social ties between the City and the affected territory based on proximity and current service provisions involving automatic public safety aid. These existing social and economic ties are relatedly reflected in the Commission’s standing inclusion of the affected territory within Escondido’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 reorganization and annexation to Escondido would facilitate the orderly expansion of the City’s jurisdictional boundary consistent with the sphere of influence. 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 Executive Officer.

No jurisdictional disputes or related concerns were identified or disclosed by the applicant, 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 presently contain “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 proposal and annexation to the City of Escondido 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

The proposed reorganization involves the principal action to annex an undeveloped parcel along with an existing single-family residence to the City of Escondido as part of a larger planned 20-unit subdivision. 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 unincorporated territory is presently designated by the City of Escondido as Suburban with a rezoning assignment of Suburban R-1-10. The rezoning provides a minimum parcel size of 0.25 acres and a maximum of 3.3 dwelling units per acre. These planned uses are consistent with the proposal’s core purpose to annex the affected territory into Escondido and accommodate the development of a 20-lot residential subdivision.

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

The affected territory lies entirely within the existing sphere of influence designated for the City of Escondido.

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

Notice of the submitted reorganization proposal was distributed to all affected and subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on October 30, 2023.

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 the City of Escondido has overall sufficient and available financial resources and administrative controls therein relative to serving the affected territory without adversely impacting existing constituents. This statement is supported by the following factors.

- Escondido’s last outside audit covers 2021-2022 and shows the City finished with sufficient liquidity levels with an agency-wide current ratio of 2.21 (i.e., \$2.21 in current assets for every \$1.00 in current liabilities).
- Escondido finished 2021-2022 with good capital levels and marked by a debt ratio of 45.4% (i.e., only \$45.00 out of every \$100.00 in net assets are financed.)
- Escondido finished 2021-2022 with an overall total margin of 5.5%.

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

The affected territory’s existing residential uses are presently within and connected to Rincon del Diablo MWD’s retail potable water system with wholesale supplies provided by the San Diego County Water Authority and Metropolitan Water District of Southern California. Approval of the proposed reorganization would not affect these existing relationships and/or commitments. Further, Rincon del Diablo did not request any approval terms in the course of receiving a notice of review on the reorganization.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposed reorganization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the City of Escondido by the region’s council of governments through the standing inclusion of the land within the City sphere of influence.

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 landowners support the proposed reorganization and have provided written consent to the proceedings as the petitioners.

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.

The reorganization is expected to aid and/or otherwise promote environmental justice by enhancing wastewater and integrated public safety services within the affected territory and for any groups that are susceptible to pollution burdens and their effects. This latter category – notably – includes low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0).

Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California. These rankings follow.

- The affected territory’s **composite pollution burden ranking** falls in the fourth percentile with an internal range between 0 to 58 percentiles. Two pollution burden measurements exceed the 50 percentile and considered relatively high. These two measurements are relative to air quality (ozone) and drinking water contaminants.
- The affected territory’s **composite susceptible population** ranking falls in the twenty-sixth percentile with an internal range between 9 to 68 percentiles. Two of these at-risk groups exceeds the 50 percentile and involves limited housing and education.

A summary of all tracked pollution burdens and susceptible population follows.

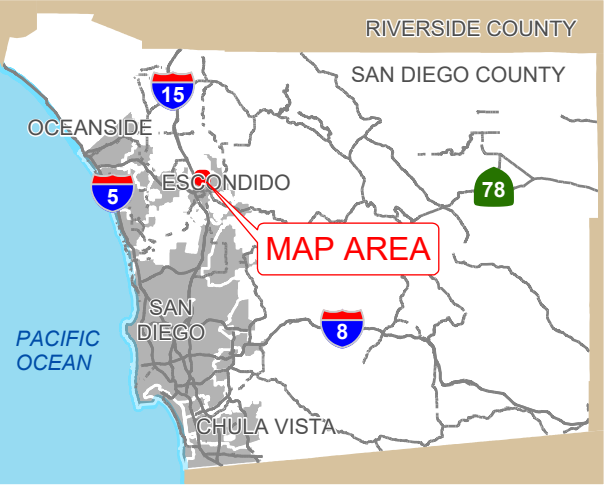
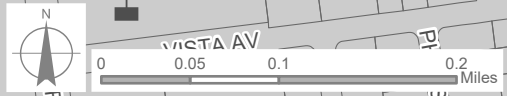
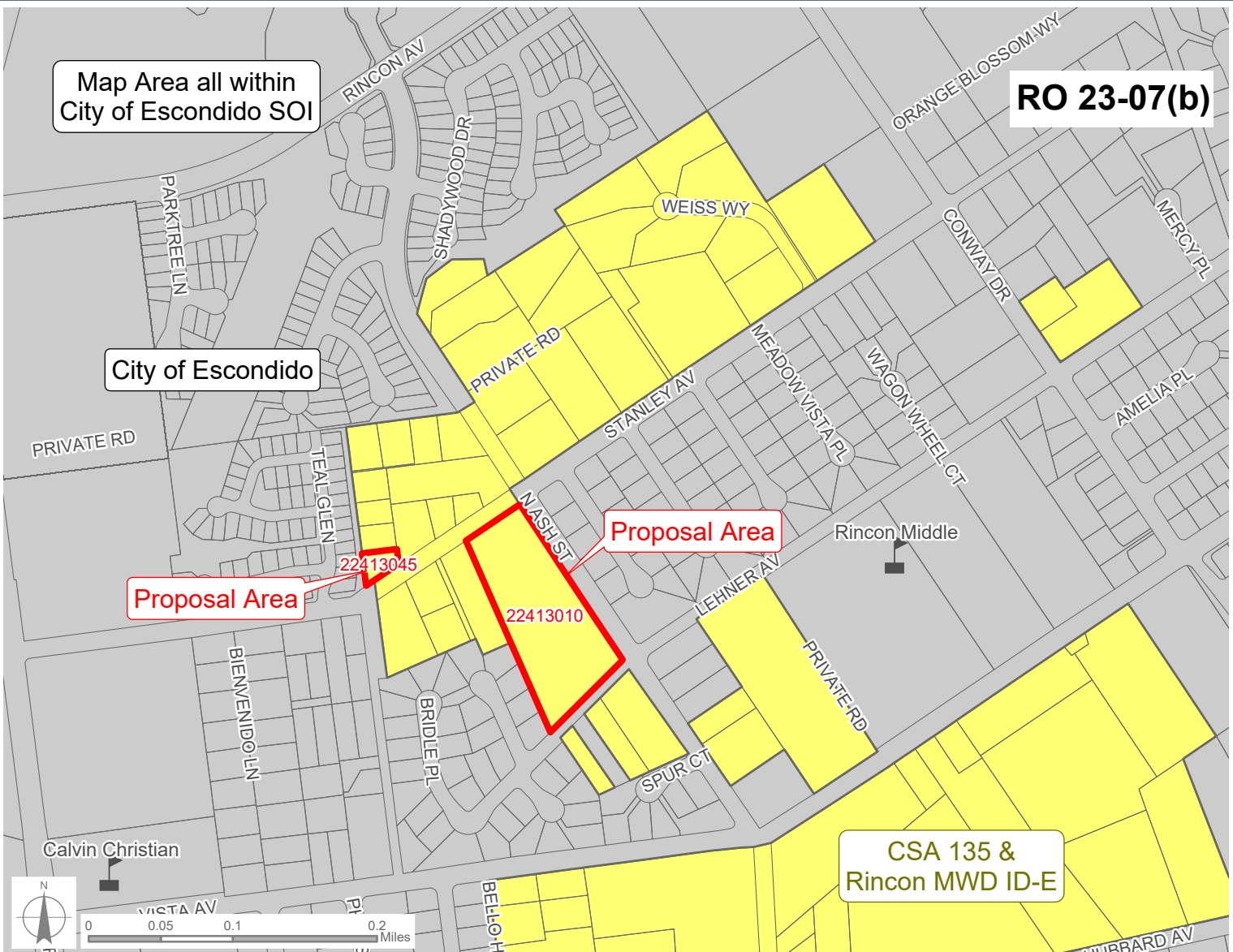
Census Tract 6073020106	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073020106
No. of Census Tracts	1
Estimated Population within Tract(s)	3,704
Pollution Burden	Weighted Percentile
... Percentile	3.7
Indicator Air Quality: Ozone	53.7
Indicator Air Quality: PM 2.5:	16.4
Indicator Air Quality: Diesel PM:	21.6
Indicator Pesticides:	0.0
Indicator Toxic Releases:	12.0
Indicator Traffic:	23.0
Indicator Drinking Water Contaminants:	58.0
Indicator Lead in Housing:	30.0
Effects Cleanup Sites:	0.00
Effects Groundwater Threats:	0.00
Effects Hazardous Waste:	22.0
Effects Impaired Water:	23.9
Effects Solid Waste:	0.00
Sensitive Population	Weighted Percentile
... Percentile	26.0
Population Asthma:	16.0
Population Low Birth Weight:	26.1
Population Cardiovascular Disease:	32.5
Population Education:	68.8
Population Linguistic Isolation:	30.7
Population Poverty:	47.8
Population Unemployment:	9.7
Population Housing Burden:	57.4

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

The City of Escondido’s General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies within a “No Designation” fire hazard zone and a “Low-Level” earthquake hazard zone.

Map Area all within City of Escondido SOI

RO 23-07(b)



"ESCONDIDO NORTH LLC - STANLEY AVENUE REORGANIZATION" | ANNEXATION TO THE CITY OF ESCONDIDO WITH CONCURRENT DETACHMENT FROM CSA NO. 135 AND EXCLUSION FROM RINCON DEL DIABLO MWD ID-E

- Proposal Area
- City of Escondido
- CSA 135 & Rincon MWD ID-E

SOI = Sphere of Influence



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

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G:\GIS\Vicinity_Maps\legendamaps2023\23-07b City Escondido Stanley Ave.aprx
Created by Dieu Ngu -- 6/28/2023

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“ESCONDIDO NORTH LLC-STANLEY AVENUE REORGANIZATION - B”
ANNEXATION TO THE CITY OF ESCONDIDO WITH CONCURRENT DETACHMENT FROM
COUNTY SERVICE AREA NO. 135
LAFCO FILE NO: RO23-07(b)**

WHEREAS, on May 1, 2023, interested landowner – Escondido North LLC – 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 filed with the Commission has been administratively separated by the Executive Officer with the concurrence of the petitioner into two distinct jurisdictional change requests cited as “A” and “B”; and

WHEREAS, the separated application before the Commission – “B” – seeks approval of a reorganization of approximately 5.35 acres of unincorporated territory in the County of San Diego involving annexation to the City of Escondido with concurrent detachment from the County Service Area 135; and

WHEREAS, the affected territory as proposed includes one legal parcel developed with one single-family residence and identified by the County of San Diego’s Assessor’s Office as 224-130-45 in addition to another legal parcel with plans to develop 20 single-family residential units and identified by the County of San Diego Assessor’s Office as 224-130-10; and

WHEREAS, on December 5, 1984, the County of San Diego and the City of Escondido approved a Master Property Tax Transfer Agreement that will govern the property tax exchange associated with the reorganization of the affected territory to the City of Escondido; and

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

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on November 6, 2023;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 as well as 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 considering the effects of the proposed reorganization under the California Environmental Quality Act (CEQA), the Commission's makes the following findings:
 - a) The City of Escondido serves as lead agency under CEQA for considering the reorganization and specifically the principal action to annex the affected territory to the City as part of its discretion to approve the underlying development project. In this role as lead agency, on June 16, 2023, Escondido certified an Initial Study and adopted a Mitigated Negative Declaration (MND) for the underlying development and identified potential significant environmental impacts for all of the following categories: air quality, biological resources, cultural and tribal resources, geology and soils, hazards and hazardous materials, noise, and transportation and traffic. Escondido attests the implementation of mitigation measures reduce these potential impacts to less than significant levels. The Commission independently concurs Escondido has prepared a sufficient document as lead agency in assessing and mitigating potential impacts and it would be appropriate for the Commission to adopt the finding of the MND as a responsible agency.
 - b) LAFCO serves as lead agency under CEQA for considering the secondary action associated with the reorganization to detach the affected territory from CSA No. 135 and its regional communication service function. The Commission concurs the detachment is a project under CEQA but qualifies for exemption under Guidelines Section 15320. This exemption appropriately applies given the subject service – regional communications – will be entirely transferred and assumed by Escondido without any material changes in the scope, scale, or adequacy post reorganization.
4. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all the following:
 - a) Annexation of the affected territory to the City of Escondido as shown in "Exhibit A-1" and described in "Exhibit A-2".
 - b) Detachment of the affected territory from County Service Area No. 135 as shown in "Exhibit A-1" as described in Exhibit A-2".
5. The Commission CONDITIONS all approvals on the following terms being satisfied by November 6, 2024 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 Divisions.
 - c) Written consent and related authorizations from the applicant – Escondido North LLC – to remove the subject parcel from Rincon del Diablo Municipal Water District’s Improvement District “E” involving fire protection and emergency medical.
 - d) Submittal to the Commission of the following payments:
 - o 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 Determination and Notice of Exemption consistent with the finding in the resolution.
 - o A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation: “Escondido North LLC-Stanley Avenue Reorganization - B”
 7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
 8. The Commission waives conducting authority proceedings under Government Code Section 56662.
 9. The County Service Area 135 are registered-voter districts.
 10. The City of Escondido and County Service Area 135 all utilize the County of San Diego assessment roll.
 11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of Escondido as provided under Government Section 57328, and will be subject to any previously authorized taxes, benefit assessments, fees or charges of the City of Escondido as provided under Government Code Section 57330.
 12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
 13. As allowed under Government Code Section 56107, the Commission authorized the Executive Officer to make non-substantive corrections to the resolution to address any technical defects, errors, irregulates, or omissions.
 14. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.

15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code

**

PASSED AND ADOPTED by the Commission on November 6, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

**

ATTEST:

Keene Simonds
Executive Officer

EXHIBIT A-1
MAP OF AFFECTED TERRITORY

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-


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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.


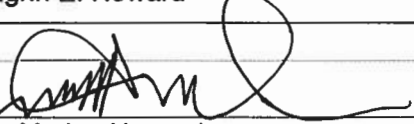
Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign  , Successor Trustee <small>TRUST A CREATED UNDER THE HOFTIEZER FAMILY TRUST DATED 8/5/1977, AS AMENDED AND RESTATED ON 6/27/2011, AND AS FURTHER AMENDED BY EXERCISE OF POWERS GRANTED UNDER INTER VIVOS TRUST EXECUTED ON 7/12/2013</small> Print _____	224-130-10-00	4/19/2023	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

Part IVb: LANDOWNER PETITION

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- 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  Vaughn E. Howard Print _____	224-130-45-00	4/20/23	
Sign  Mae Madge Howard Print _____	224-130-45-00	4/20/23	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			