

PUBLIC HEARING ITEM

**LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

FOR MEETING OF: MAY 2, 2016

Proposal

"Presidio Vista Reorganization" (City of Vista)
(RO16-01)

Proponent

City of Vista, by resolution

Description/Justification

Proposed by resolution of the City of Vista ("City") is a reorganization of two unincorporated parcels totaling approximately 11.4 acres (APNs 169-150-14, approximately 2.40 acres; and 169-150-15, approximately 9.07 acres). The proposed reorganization involves annexation to the City of Vista and a concurrent detachment of the proposal area from the Vista Fire Protection District (FPD). The concurrent detachment from the Vista FPD is required as the City would assume responsibility for the provision of structural fire protection and emergency medical services to the proposal area following the reorganization. The proposed reorganization area is located within the City of Vista's adopted sphere of influence and is contiguous to the City's incorporated boundary. This proposal has consent from the affected landowner; however, a hearing has been scheduled to allow for expanded notification.

Land Use

The proposed reorganization area presently is and has historically been used for agricultural and orchard production, and is currently occupied by Parkway Nursery, Inc., a retail and wholesale palm tree nursery. The proposal area is surrounded by single-family residential uses, with additional agricultural uses to the south. The existing topography of the proposal area is characterized by a high point in the middle of the property with slopes running in all directions from that point. Overall, elevations range from 420 feet above mean sea level (AMSL) at the high point to 352 feet AMSL in the southeastern corner of the property near Ridge Road.

The County of San Diego General Plan designates the proposal area as Village Residential 4.3 (VR-4.3, up to 4.3 du/ac); the current County zoning designation is Rural Residential (RR, up to 4.3 du/ac, 10,000-square foot minimum lot size). The proposal area is presently located within the unincorporated North County Metro Community Planning Area. The City of Vista has recently adopted a Tentative Subdivision Map (TM 6-060) and Zoning Change (Res. No. 2015-201) for the development of 31 single-family residential lots on the approximate 11.4-acre project site (2.7 du/ac). The proposed lots range in size from approximately 10,035 square feet to 15,565 square feet. The City has established a General Plan designation for the proposed reorganization area as Medium Low Density Residential (MLD, up to 5 du/ac) and adopted pre-zoning of Residential 1 (R-1, up to 4.3 du/ac, minimum 10,000-square foot lot size).

Agricultural Resources

The project site has been used for agricultural and orchard production since 1925. Parkway Nursery, Inc., a retail and wholesale palm tree nursery, has been actively using the property

since 2005. LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands, based on specified criteria. Proposals for annexation must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (CA Govt. Code Section 56668(e)). The key element for the LAFCO analysis is to determine whether the proposal territory is considered prime agricultural lands, as defined by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. It has been determined by the USDA's Natural Resources Conservation Service that the proposal area has three soil classifications of which none were considered prime agricultural soil. Based on the results of the soil classification, LAFCO staff determines that the proposal area is not considered prime agricultural land as defined in current law. Furthermore, while the reorganization will result in the conversion of non-prime agricultural uses, this change in land use will be offset by the simplification of service provision and reduction in size of an existing unincorporated island.

Unincorporated Island

The proposal area is located within an existing unincorporated County Island known as the "Sunset Island" encompassing approximately 284-acres. The proposed reorganization area also includes an approximate 1,500-foot segment of Ridge Road, which will provide primary access to the proposed residential development. The affected segment of Ridge Road extends east from the proposal area's western boundary to the City of Vista's existing incorporated boundary. Annexation of the affected Ridge Road segment will create a smaller island of 8 parcels (totaling approximately 7.3-acres) that front the north side of Ridge Road immediately east of the proposal area. State law prohibits territory being annexed to a city if the annexation results in the creation of an unincorporated island (Government Code Section 56744).

The Commission may waive the restriction in accordance with Government Code Section 56375(m), if it finds that the proposed annexation would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation is so located that it cannot reasonably be annexed to another city. Primary access is through the City of Vista which substantially surrounds the potential island. Currently no other city, besides Vista, has the area within their sphere of influence. Additionally, the proposed annexation will result in reducing the size of the larger Sunset Island and ensuring the delivery of adequate municipal services to the future residents of the proposal area. Therefore, the finding the Commission would need to determine per section 56375(m) can be made.

Disadvantaged Unincorporated Community

State law requires the identification and description of all disadvantaged unincorporated communities ("DUCs") located within or contiguous to the existing spheres of influence of cities and special districts that provide fire protection, sewer, and/or water services. DUCs are defined as inhabited unincorporated areas with an annual median household income that is 80% or less than the statewide annual median household income (equal to \$46,166 or less in 2010). In addition, LAFCO cannot approve an annexation greater than 10 acres when there exists a DUC that is contiguous to the proposed annexation, unless, an application to annex the DUC is filed with LAFCO.

The proposed reorganization area is within an area that has been identified as a disadvantaged unincorporated community (see attached map). Therefore, under current law, a second

application to annex the contiguous DUC is required to be submitted to LAFCO before the Commission may consider the first annexation proposal by the City of Vista. However, the required second application may be waived if the Commission finds, based upon written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

The City conducted a survey of the 18 registered voters surrounding the proposal area and within the DUC to gauge their interest in annexation to the City. The survey resulted in 10 of the 18 registered voters (56%) submitting written evidence of their opposition towards annexation. Based on LAFCO staff's review of the written evidence of opposition submitted from a majority of the registered voters within the adjacent DUC, and in accordance to Government Code Section 56375(a)(8)(B)(ii), the filing of a second application to LAFCO for annexation of the contiguous DUC is not required.

Public Services

Fire

The proposal area is presently located within the service area and sphere of the Vista FPD, which provides structural fire protection and emergency medical services via contract with the City of Vista. The proposed reorganization includes detachment of the proposal area from the Vista FPD; however, the City of Vista will continue to provide structural fire protection and emergency medical services to the proposal area following reorganization without the need of a contractual agreement. The closest fire station to the proposal area is the Vista Fire Station No. 1 located at 175 North Melrose Drive, approximately 1.0 mile to the north-northeast. Fire protection services would also be available from Fire Station No. 5, located on South Melrose Drive approximately 1.45 miles to the southwest.

Police

Law enforcement is provided by the San Diego Sheriff's Department through a contractual agreement with the City. The Vista Sheriff's Department provides a full range of services from a station, substation and a storefront office within the city. Police services provided to Vista include general patrol, investigations, narcotics and gang investigations, crime prevention, juvenile intervention, community policing and administrative services. The closest police station to the proposal area is the Vista Sheriff's Department located at the County complex off of South Melrose Drive, just over 0.5 mile to the north-northeast. Following the proposed reorganization, the proposal area will continue to receive police protection services from the San Diego County Sheriff's Department through the contractual agreement with the City of Vista.

Sewer

The proposed reorganization area is not currently located within the service area of an authorized sewer service provider. The City has indicated that capacity is available to extend sewer service to the site from an existing 8-inch City sewer main located approximately 200-feet from the proposal area. A new 8-inch sewer main will extend and connect to the existing City's 8-inch sewer line from the proposed subdivision.

Based on the City's Sewer Master Plan Update (January 2008), the proposed project would be expected to generate approximately 29,925 gallons per day (gpd) of wastewater (11.4 acres x 2,

625 gpd per acre). The Vista sewer system serves roughly 16,000 parcels and has an average flow of 5.57 mgd. Wastewater from the project would be treated by the Encina Water Pollution Control Facility. Wastewater generation from the proposed project would not exceed the available treatment capacity of the Encina facility.

Water

The proposal area is presently located within the service area and sphere of the Vista Irrigation District (VID) for domestic water service. The Vista ID has indicated that it has adequate supply to extend water services to the proposal area and residential development from an existing 6-inch main located adjacent to the site within Ridge Road. A new 8-inch water line for potable drinking water would connect with the existing VID 6-inch water main.

Residential development of the project site, which presently supports an existing palm tree nursery, is anticipated to decrease the demand for potable water that is needed to serve the proposed 31 single family homes anticipated to ultimately be developed on-site. VID is a member agency of the San Diego County Water Authority (SDCWA). VID imports approximately 70 percent of its potable water supply from SDCWA; SDCWA in turn buys water from the Metropolitan Water District of Southern California (MWD). The remaining 30 percent of VID's supply is from Lake Henshaw, which is fed through precipitation from the San Luis Rey watershed. The average daily demand of potable water for the proposed residential project would be approximately 11,628 gpd (11.4 acres x 1,020 gpd per acre), whereas the existing palm tree nursery potentially uses approximately 23,028 gpd (11.4 acres x 2,020 gpd per acre).

Environmental Review

In accordance with California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City Council adopted a Mitigated Negative Declaration (MND) (PC6-060; Res. No. 2015-199; SCH No. 2015081015) and a Mitigation Monitoring and Reporting Program for the proposed project. The City's environmental review identified potentially significant but mitigable environmental impacts to the following categories: (1) Cultural Resources; (2) Hazards and Hazardous Materials; (3) Noise; and (4) Mandatory Finding of Significant. The City's identified mitigation measures and Mitigation Monitoring and Reporting Program are intended to reduce the potential impacts to less-than-significant levels. A copy of the adopted MND and Mitigation Monitoring and Reporting Program is attached to this staff report.

Tax Negotiations

Property tax negotiations occur in accordance with the adopted 1985 Master Property Tax Transfer Agreement (MPTA) between the County of San Diego and the City of Vista. A 2009 codicil to the master property tax transfer agreement was also adopted by both parties. The codicil allows the City of Vista to implement a deficit-offset program when the City determines that the costs to extend city services to the annexation area will not be covered by anticipated property tax revenues. The City has indicated that the reorganization will not require a deficit offset payment and will not be subject to the codicil. The proposed reorganization is accordingly subject to the standard MPTA between Vista and the County.

General Plan/Zoning

Current Land Use: County of San Diego General Plan: Village Residential 4.3 (VR: 4.3 du/ac); County of San Diego zoning: Rural Residential (RR).

Proposed Land Use: City of Vista General Plan: Medium Low Density Residential (MLD: up to 5 du/ac); City of Vista zoning: Residential 1 (R-1: up to 4.3 du/ac, minimum 10,000 square foot lot size).

Location

The proposal area is north of Ridge Road; east of Melrose Drive; south of Melrose Way and west of Sunset Drive.

Executive Officer Recommendation

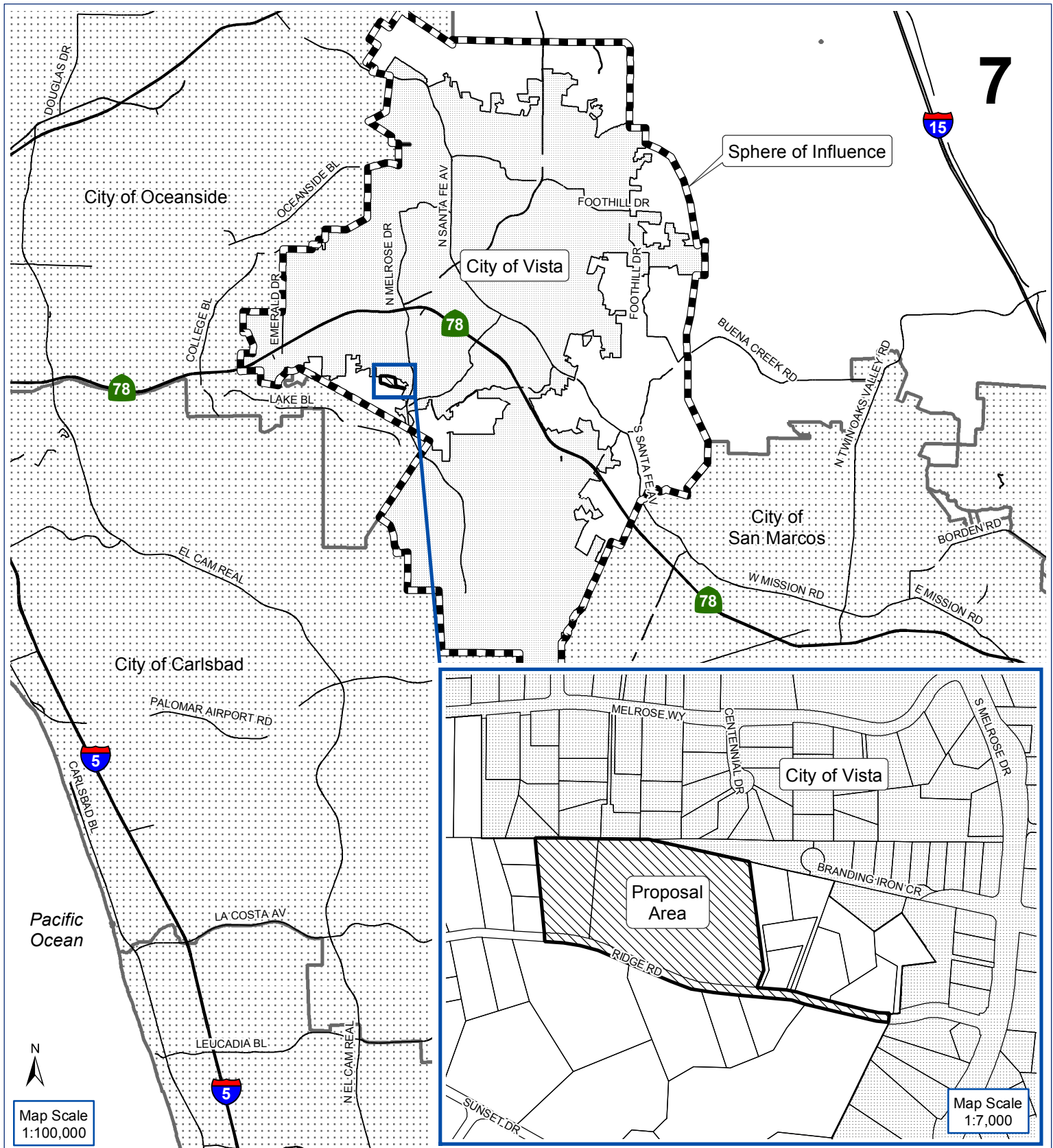
1. Find that the Commission, acting as a responsible agency, has considered the environmental effects of the project as shown in the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment 3) prepared by the City of Vista. The mitigation is under the jurisdiction of the City and not LAFCO because the affected resources and the extension of public services will be within the city limits upon annexation;
2. Waive the island prohibition restrictions in Government Code Section 563751(m) for the reasons set forth in the Executive Officers report; 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:

Payment by the property owner of all City application and annexation fees, connection costs, State Board of Equalization fees, and LAFCO processing fees.

Attachments




1. Vicinity Map
2. DUC Map
3. Mitigated Negative Declaration (PC6-060; Res. No. 2015-199; SCH No. 2015081015) and a Mitigation Monitoring and Reporting Program

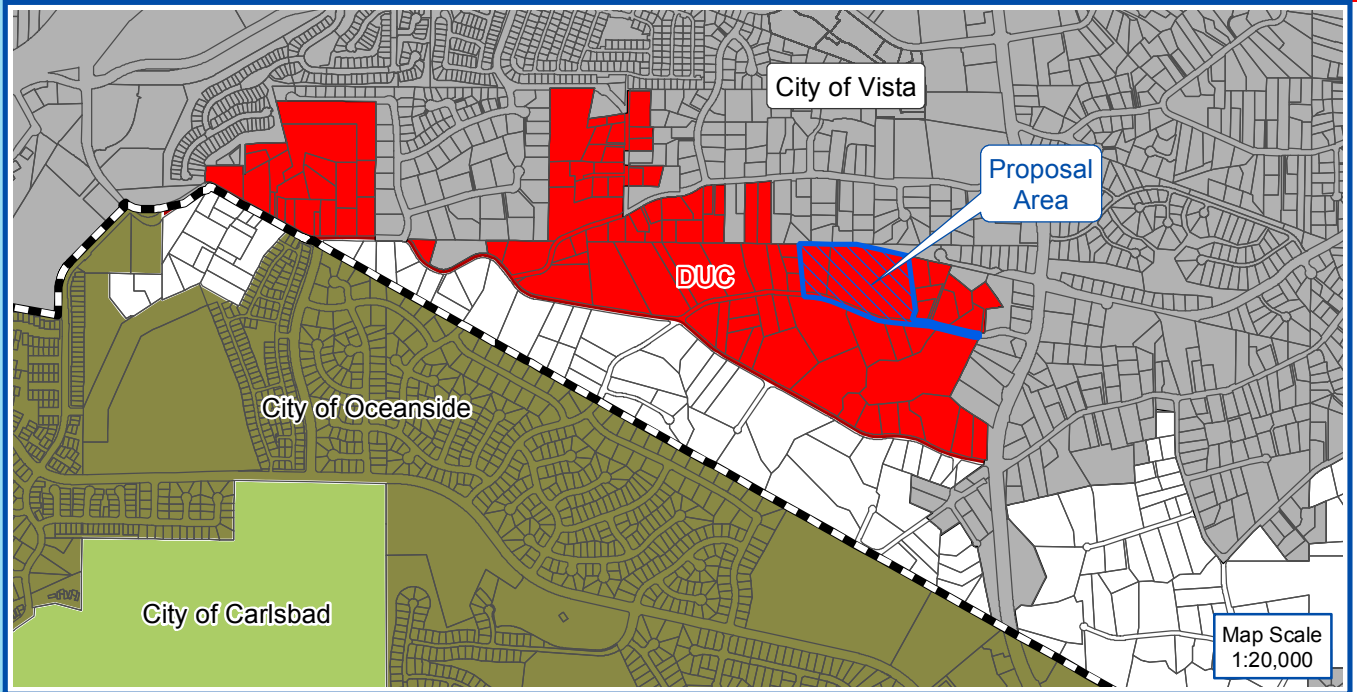
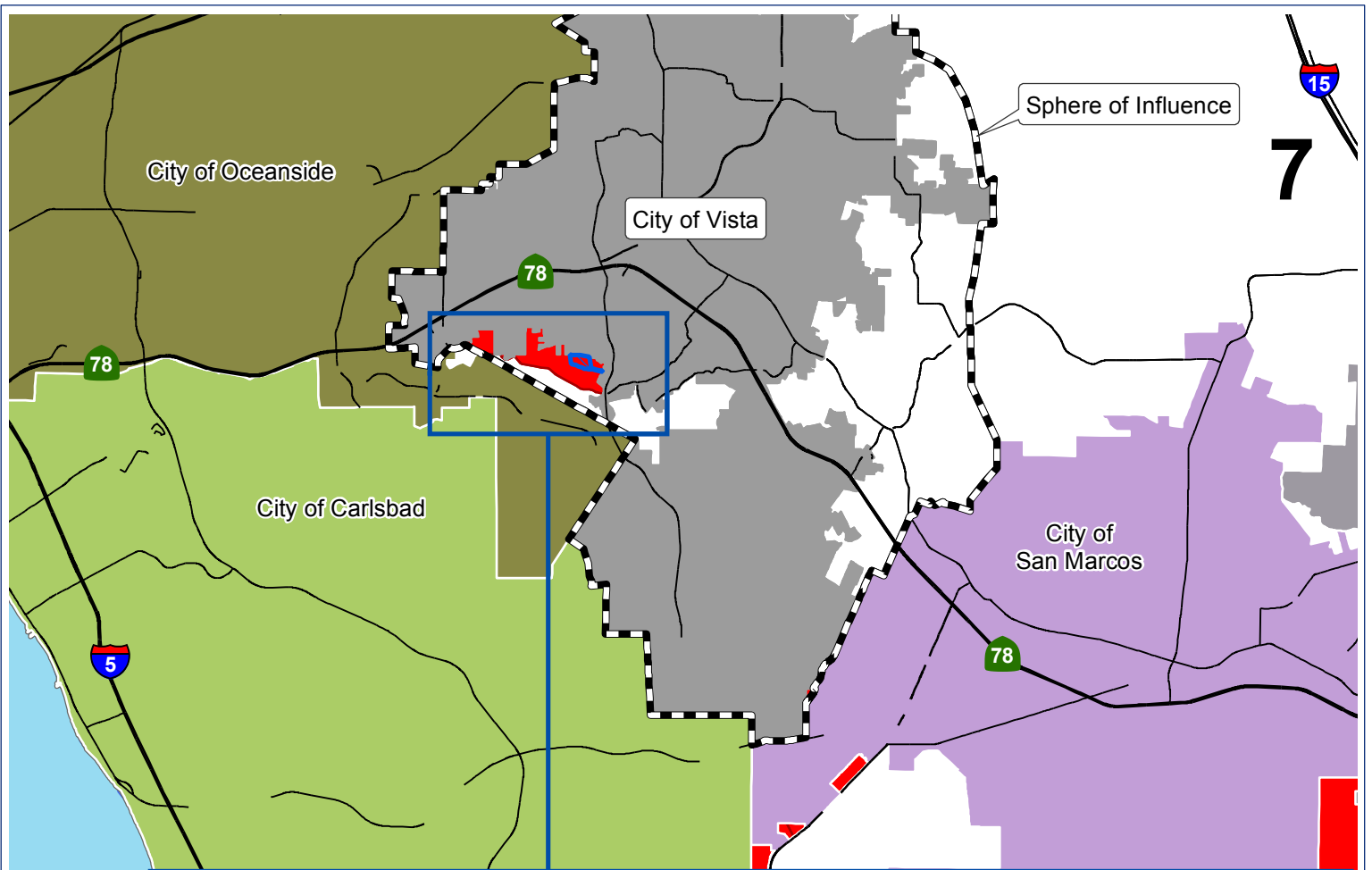
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RO16-01

**PROPOSED "PRESIDIO VISTA REORGANIZATION"
(CITY OF VISTA)**

-  Proposal Area
-  City of Vista
-  Sphere of Influence



*For Illustrations Only
Not for Recordation*

Disadvantaged Unincorporated Communities (DUC)

RO16-01 PROPOSED "PRESIDIO VISTA REORGANIZATION" (CITY OF VISTA)

- Disadvantaged Unincorporated Communities (DUC)
- Proposal Area
- City of Vista
- Sphere of Influence

ITEM 7

ATTACHMENT 3

Presidio Vista Reorganization

(City of Vista)

(Ref. No. RO 16-01)

Mitigated Negative Declaration

(PC6-060; Res. No. 2015-199;

SCH No. 2015081015) and a

Mitigation Monitoring and

Reporting Program

(Available on www.sdlafco.org)