August 3, 2020

TO: Commissioners

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

SUBJECT: Proposed “Lupa - Anthony Heights Drive Change of Organization” | Annexation to the Vallecitos Water District (CO20-01)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by a landowner seeking approval to annex approximately 1.51 acres of unincorporated territory to the Vallecitos Water District (WD). The affected territory is presently within the Vallecitos WD sphere of influence and primarily consists of one undeveloped assessor parcel at 1557 Anthony Heights Drive that lies in an unincorporated area between the Cities of San Marcos and Escondido. The remainder of affected territory consists of adjacent public right-of-way along Nordahl Road to its centerline. The affected territory comprises one legal lot in combination with the landowner’s adjacent parcel, which is presently developed with a single-family residence and already within and connected to the Vallecitos WD wastewater system. The purpose of the proposal is to make public wastewater service available to the remainder of the legal lot and facilitate development of an accessory dwelling unit for the existing single-family residence. No other jurisdictional changes are proposed and this includes retaining the affected territory within Vista Irrigation District (ID) for potable water service. Staff recommends approval of the change of organization proposal without modifications. Standard approval terms are recommended along with waiving protest proceedings.
San Diego LAFCO  
August 3, 2020 Meeting  
Agenda Item No. 5e | Lupa – Anthony Heights Drive Change of Organization (CO20-01)

**BACKGROUND**

**Applicant Request**

San Diego LAFCO has received a petition and proposal application from a landowner (Richard Lupa, Lupa Family Trust) seeking approval for a change of organization to annex one unincorporated parcel totaling approximately 1.35 acres to Vallecitos WD for the provision of wastewater service. An approximate 0.16 acre portion of the adjacent public right-of-way along Nordahl Road to its centerline is also included. The affected territory is presently within the Vallecitos WD sphere of influence and has a situs address of 1557-1561 Anthony Heights Drive in the unincorporated North County Metro community between the Cities of San Marcos and Escondido. The affected territory comprises one legal lot totaling approximately 2.33 acres in combination with the landowner’s adjacent developed parcel. The County of San Diego Assessor’s Office identifies the subject parcel as 228-010-25.

**Affected Territory**

The following vicinity map shows the location of the affected territory relative to local municipalities. Attachment One shows the affected territory relative to the proposed boundary change involving the subject agency (Vallecitos WD).
Subject

The proposed change of organization filed with San Diego LAFCO involves one subject agency: Vallecitos WD. A summary of the subject agency in terms of municipal functions, resident population, and financial standing follows.

- Vallecitos WD is an independent special district formed in 1955 and spans approximately 28,800 acres or 45 square miles and includes most of the City of San Marcos as well as portions of the Cities of Carlsbad, Escondido, and Vista. The Vallecitos WD service area also extends into adjacent unincorporated territory, including the communities of Twin Oaks and Deer Springs. A five-member elected Board of Directors oversees Vallecitos WD’s three active municipal functions: potable water service (retail class); recycled water service (retail class); and wastewater service (collection, treatment, and disposal classes). The estimated resident population is 102,129 with an average annual growth rate of 1.9% since 2010 and the last census reset. LAFCO established a sphere of influence for Vallecitos WD in 1985, which was last updated in 2007 with a larger-than-agency designation to include 2,150 non-jurisdictional acres and equals 7.5% of the jurisdictional boundary. Vallecitos WD’s audited net position is $279.179 million as of June 30, 2019 and has increased by 6.5% over the prior three fiscal years.

Affected Local Agencies

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

- City of Escondido (sphere only)
- CSA No. 135 (Regional Communications Function)
- Metropolitan Water District of Southern California
- North County Cemetery District
- Palomar Health Healthcare District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- San Marcos Fire Protection District
- Vista Irrigation District

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

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the change of organization proposal to annex the affected territory to the Vallecitos WD for wastewater. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose and Commission focus follows.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to facilitate the development of one accessory dwelling unit by extending public wastewater service to the affected territory and its vacant unincorporated parcel. Vallecitos WD has an existing wastewater main located immediately adjacent to the affected territory within the public right-of-way of Nordahl Road and directly accessible by a private lateral connection.3

Development Potential

The affected territory’s subject assessor parcel is one of two adjacent assessor parcels owned by the applicant landowner that comprise one legal lot totaling approximately 2.33 acres in size. The second adjacent parcel is presently developed with a single-family residence and already within and connected to the Vallecitos WD wastewater system. The County of San Diego General Plan designates the affected territory as Village Residential 4.3 with a zoning assignment of Single-Family Residential. This latter assignment prescribes a minimum lot size of 0.14 acres. However, the legal lot containing the affected territory contains slopes >25% and is limited by the County to a 2.0-acre minimum lot size. No additional intensification would be allowed on the lot following the proposed annexation and development of one accessory dwelling unit. Separately, the affected territory lies within the City of Escondido’s sphere of influence. The Escondido General Plan designates the affected territory as Estate Residential II, which prescribes a minimum lot size of 0.50, 1.0, or 20.0 acres depending on slope.

Commission Focus

San Diego LAFCO’s sphere of influence designation for Vallecitos WD includes the affected territory and can accommodate the proposed annexation to the District without amendment. This existing sphere determination narrows the Commission’s consideration of the proposed change of organization 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 change of organization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes as detailed.

3 The landowner’s annexation request is also intended to facilitate an intensity improvement to the existing single-family residence occupying the adjacent parcel and accommodate development of an accessory dwelling unit on the affected territory. The existing residence is presently connected to the Vallecitos WD wastewater system and located within Vallecitos WD sewer (wastewater) Improvement Districts. The affected territory and the existing residence are currently within the Vista Irrigation District (ID) for water service; no changes to the water service arrangement are proposed as part of the annexation to Vallecitos WD for wastewater service. The planned development of one accessory dwelling unit is consistent with existing land uses and zoning and precludes any further lot divisions.
ANALYSIS

San Diego LAFCO’s analysis of the proposed change of organization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section regarding the timing of the change of organization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications and terms are appropriate in further addressing Commission goals and policies. The second subsection considers other germane issues and highlighted by environmental review under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings.

Central Policy Items

Item No. 1  
Change of Organization Timing

The timing of the change of organization involving annexation of the affected territory to the Vallecitos WD for public wastewater service appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal’s conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed annexation on the service and financial capacities of the receiving agency, Vallecitos WD (emphasis added). A summary of key conclusions generated from the review of these factors and applicable local policies follow with a complete analysis provided in Appendix A.

- **Service Needs**
  Annexation of the affected territory to Vallecitos WD would represent a logical and orderly expansion of the District’s jurisdictional boundary and public wastewater services therein. Additional details on relevant service needs follow.

  - The Commission has previously designated Vallecitos WD as the appropriate long-term wastewater provider for the affected territory through its standing inclusion within the District’s sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to initiate annexation proceedings directly with LAFCO.

  - Annexation of the affected territory to Vallecitos WD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the County of San Diego. The annexation and extension of wastewater to the affected territory, notably, is also consistent with the City of Escondido’s planned residential use as the anticipated long-term land use authority by the Commission given the lands standing inclusion in the City’s sphere of influence.
- There is a present need for public wastewater service to accommodate the pending and planned residential use within the affected territory under both the County of San Diego (current land use authority) and the City of Escondido (designated future land use authority). The alternative to annexation would redirect the applicant to explore installing an onsite septic to serve the planned accessory dwelling unit, which counters the Commission’s interest and practice in discouraging the use of these types of systems in developing urban areas.

- **Service Capacities and Levels**
  Vallecitos WD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands within the affected territory at its planned maximum uses without expanding any public infrastructure. Additional details on relevant service capacities and levels follow.

  - An existing Vallecitos WD wastewater main is located immediately adjacent to the affected territory within the frontage public right-of-way of Nordahl Road and accessible through a private lateral connection. No extension of the public wastewater main is needed.

  - The maximum average day wastewater demand generated within the affected territory is projected at 250 gallons or one equivalent dwelling unit or EDU. This projected demand represents approximately 0.00005% of the existing available capacity of Vallecitos WD and can be accommodated without any public improvements to the collection, treatment, and disposal facilities.

- **Service Funding and Costs**
  Vallecitos WD has adequate financial resources and administrative controls to provide wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. The Vallecitos WD’s recent audited statements reflects the District remained profitable in each of the last three audited fiscal years with an average total margin of 115%.

### CONCLUSION | MERITS OF CHANGE OF ORGANIZATION TIMING

The timing of the change of organization involving the annexation of the affected territory to Vallecitos WD and extension therein of public wastewater service is warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing public wastewater service to a pending and planned new residential use (accessory dwelling unit) in an urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.
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Item No. 2 | Modifications and Terms

No modifications to the proposed change of organization have been identified by staff meriting consideration by San Diego LAFCO at this time. This includes noting the applicant proactively consulted with LAFCO staff prior to filing and in doing so appropriately included the adjacent public right-of-way along Nordahl Road to its centerline as part of the proposal. Applying standard approval terms are appropriate.

CONCLUSION | MODIFICATIONS AND TERMS

No modifications are merited for reasons detailed in the preceding analysis. Standard terms – including payment of all third-party fees associated with completing the boundary change – are appropriate.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego to adopt a property tax exchange agreement for proposed changes of organization or reorganization prior to San Diego LAFCO issuance of a Certificate of Filing and scheduling the proposal for hearing, unless an existing master property tax exchange agreement would govern the subject proposal’s exchange of annual property tax revenues. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of affected special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax exchange agreement applicable to the proposed change of organization. The application of this master tax exchange agreement will result in no transfer of property taxes to Vallecitos WD.

Environmental Review

CEQA requires San Diego LAFCO to assess whether impacts to the environment as prescribed would result from the proposed change of organization initiated by a landowner. Staff has determined the subject proposal qualifies as a “project” under CEQA but is exempt from further environmental review under State CEQA Guidelines Section 15319(b). This categorical exemption applies given the proposed change of organization involves annexation of individual small parcels of the minimum size for facilities exempted by Section 15303(a). LAFCO would accordingly file a Notice of Exemption as lead agency for the subject annexation proposal if approved by the Commission.

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4 LAFCO generally serves as a responsible agency under CEQA when the lead agency for a proposal has previously produced and adopted a Negative Declaration or Impact Report for the project. No environmental documents were previously adopted by an affected agency for the subject proposal.
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 all affected landowners have consented to the underlying action. Inclusion of the adjacent public right-of-way portion of Nordahl Road within the affected territory will not affect the proposed waiver of protest proceedings.

RECOMMENDATION

Staff recommends approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with 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 change of organization proposal along with standard terms.

Alternative Two:
Continue consideration to the next regular meeting.

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,

Robert Barry, AICP
Chief Policy Analyst

Appendices:
A) Analysis of Boundary Change Factors

Attachments:
1) Map of the Affected Territory
2) Draft Resolution of Approval

5 LAFCO law defines uninhabited territory as containing 11 or less registered voters.
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, during the next 10 years.

The affected territory includes one undeveloped assessor parcel with a situs address of 1557-1561 Anthony Heights Drive in the unincorporated North County Metro community between the Cities of San Marcos and Escondido and within the Escondido sphere of influence. The County Assessor Office’s identifies the subject parcel as 228-010-25, which is one of two assessor parcels that comprise one legal residential lot totaling approximately 2.33 acres. (The second assessor parcel is identified as 228-010-24 and is presently developed with one existing single-family residence that is currently within and connected to the Vallecitos WD wastewater system.) The affected territory also includes an adjacent public right-of-way segment of Nordahl Road to its centerline totaling approximately 0.16 acre to provide consistency with the existing Vallecitos WD boundary. The landowner’s annexation request is intended to facilitate an intensity improvement to the existing single-family residence occupying the adjacent parcel and accommodate development of one accessory dwelling unit on the affected territory. The current assessed value of the subject parcel – including land and no improvements – is $27,548. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations.

b) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The County of San Diego serves as the primary purveyor of general governmental services to the affected unincorporated territory. These governmental services include community planning, flood control, street lighting, roads, and public safety with the latter including law enforcement via the County Sheriff. Other pertinent service providers include San Marcos Fire Protection District (fire protection and emergency medical services) and Vista ID (potable water). The subject proposal affects only wastewater service and is the focus of the following analysis.

- Extending Public Wastewater to Affected Territory
  The subject parcel within the affected territory is undeveloped with no active wastewater system. The subject parcel is part of one legal residential lot totaling
approximately 2.33 acres comprised with the landowner’s adjacent residential parcel. The adjacent parcel is presently developed with one single-family residence within and connected to the Vallecitos WD wastewater system. The landowner intends to develop one single-family residence as an accessory dwelling unit on the subject parcel and is requesting annexation to Vallecitos WD to include the remainder of the legal lot within the Vallecitos WD wastewater service area. Connection of the subject parcel and its planned accessory dwelling unit to Vallecitos WD is readily available through a private lateral to an existing wastewater main located within the adjacent frontage public right-of-way of Nordahl Road. The average daily wastewater flow for the affected territory at planned maximum use is projected as approximately 250 gallons per day or one equivalent dwelling unit (EDU). This projected amount represents less than 0.00005% of the current approximate 5.0 million gallons of available and remaining daily contracted capacity allocated to Vallecitos WD.

**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 annexation therein to Vallecitos WD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in the 1980’s when the Commission included the local area within Vallecitos WD’s sphere of influence and signaled the lands would eventually warrant public wastewater service from the District when appropriate.

**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 annexation to Vallecitos WD would facilitate the permanent extension of public wastewater services for the planned development of an accessory dwelling unit and in doing so support County of San Diego’s community planning policies. Similarly, approval would be consistent with the Commission’s adopted policies to sync urban uses with urban services. 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 identify, address, and disclose any potential jurisdictional issues associated with their proposals, and describe any meetings or consultation conducted with affected agencies, interested parties, or organizations to discuss and potentially remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional issues 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 annexation to Vallecitos WD would have no effect on maintaining the physical and economic integrity of agricultural lands.

f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment, the creation of islands or corridors of unincorporated territory, and other similar matters.

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment and including a portion of the frontage Nordahl Road public-right-of-way to the centerline. 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. Approval of the proposed change of organization for the affected territory as submitted would be consistent with the Vallecitos WD boundary and would not create service islands or corridors.

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

The proposal does not involve new development or additional intensity beyond present land use designations and therefore would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG) for the San Diego Region in 2015.

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

The County of San Diego General Plan has designated the affected territory as Village Residential 4.3 (4.3 dwelling units/one acre) and adopted zoning as Single-Family Residential with a 6,000 square-foot minimum lot size (7.3 du/ac). However, the affected territory contains slopes >25% and is limited to a 2-acre minimum lot size in combination with the adjacent parcel. The landowner’s annexation request is intended to facilitate an intensity improvement to the existing single-family residence occupying the adjacent assessor parcel and accommodate development of an accessory dwelling unit on the affected territory. The planned residential uses are consistent with the proposal's purpose to provide public wastewater to the planned single-family residence to be constructed.
i) The sphere of influence of any local agency affected by the proposal.

The affected territory presently lies entirely within the adopted sphere of influence for the City of Escondido and the Vallecitos WD. The proposed annexation of the affected territory to the Vallecitos WD for wastewater services and development of one single-family residence would be consistent with the adopted spheres of the affected agencies.

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

Notice of the submitted change of organization proposal was distributed to all subject, affected, and interested agencies as required under LAFCO law. No written comments on the proposal were received from affected agencies or other local agencies ahead of preparing this agenda report for distribution on July 24, 2020.

k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and reviewed as part of this proposal indicates Vallecitos WD has sufficient and available financial resources and administrative controls therein relative to providing public wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the following factors.

- Vallecitos WD’s last audit (2018-2019) showed the District’s total net position at $279.179 million with $89.960 million categorized as unrestricted. This latter amount equals approximately 20 months of operating expenses based on 2018-2019 actuals.

- Vallecitos WD’s net position has increased overall by 6.5% over the past three-year audited period.

- Vallecitos WD’s average total margin over the last three audit years has been 14.7%. All three fiscal years produced positive total margins.

Should the Commission approve the change of organization the landowner will pay all required fees and service charges commensurate with Vallecitos WD’s adopted fee ordinance in establishing wastewater services for the affected territory. Extending wastewater service to one additional residence following approval of the proposed annexation would not adversely impact existing ratepayers.
l) Timely availability of adequate water supplies for projected needs as specified in G.C. Section 65352.5.

The affected territory’s existing residential uses are presently within the Vista ID’s retail potable water system with wholesale supplies provided by the San Diego County Water Authority and the Metropolitan Water District of Southern California. No changes to this service arrangement are proposed. Approval of the proposed change of organization 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 County of San Diego by the region’s council of governments, SANDAG. The proposed annexation to Vallecitos WD 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 single-family residence. 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.

The County of San Diego has adopted a multi-jurisdiction hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies outside any identified threat designations.

Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.

Approval of the proposed change of organization would be in the interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward. Approval would also benefit adjacent landowners and/or residents by eliminating the potential operation of a private septic system and the potential therein for failures.
PROPOSED "LUPA - ANTHONY HEIGHTS DRIVE CHANGE OF ORGANIZATION" | ANNEXATION TO VALLECITOS WD (WASTEWATER)

SOI = Sphere of Influence

Proposal Area
Vallecitos WD
Vallecitos WD SOI
VWD "IDs A, 5, & 6 - Sewer"
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RESOLUTION NO._______

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

“LUPA – ANTHONY HEIGHTS DRIVE CHANGE OF ORGANIZATION”
ANNEXATION TO THE VALLECITOS WATER DISTRICT
LAFCO FILE NO. CO20-01

WHEREAS, on February 11, 2020, landowner Richard Lupa 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 for a proposed change of organization involving annexation to the Vallecitos Water District of approximately 1.51 acres of unincorporated territory within the County of San Diego; and

WHEREAS, the affected territory as proposed is 1.51 acres in size and comprises one unincorporated vacant parcel identified by the County of San Diego Assessor’s Office as 228-010-25 as well as the adjacent frontage of Nordahl Road right-of-way to the centerline; and

WHEREAS, the San Diego County Board of Supervisors has adopted an applicable master property tax transfer agreement applicable to the proposed change of organization dated December 14, 1982; 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 hearing on the proposal on August 3, 2020; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and adopted local policies and procedures.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:
1. The public hearing 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 hearing, the Commission considered the Executive Officer’s report.

3. The Commission serves as lead agency for environmental review of the proposed change of organization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer’s report. The Commission’s findings follow.

   a) The Commission finds the proposed change of organization to annex the affected territory as described to the Vallecitos Water District qualifies as a project under CEQA but is categorically exempt from further environmental review under State CEQA Guidelines Section 15319(b). This categorical exemption appropriately applies given the proposed change of organization involves annexation of one residential parcel planned for construction of one single-family residence as a second dwelling unit within an urbanized residential area as exempted by Section 15303(a).

4. The Commission APPROVES the change of organization as submitted and without modification, as described below and subject to conditions as provided. Approval involves the following:

   a) Annexation of the affected territory as submitted to the Vallecitos Water District for wastewater service as shown in “Exhibit A-1” and described in “Exhibit A-2.”

5. The Commission CONDITIONS all approvals on the following terms being satisfied by August 3, 2021 unless an extension is requested in writing and approved by the Executive Officer:

   a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.

   b) Submittal to the Commission of final map and geographic description of the affected territory relative to the approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.

   c) Submittal to the Commission of the following payments:

      - A check made payable to LAFCO in the amount of $50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
- A check made payable to the State Board of Equalization for processing fees in the amount of $300.00.

6. The Commission assigns the proposal the following short-term designation:
   “Lupa - Anthony Heights Drive Change of Organization”

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 Vallecitos Water District is a registered-voter district.

10. The Vallecitos Water District utilizes the County of San Diego assessment roll.

11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Vallecitos Water District as provided under Government Section 57328.

12. The effective date of the approval a shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.

13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.

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

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

**
PASSED AND ADOPTED by the Commission on August 3, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

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Keene Simonds
Executive Officer