RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING AND ORDERING A REORGANIZATION AND ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS

"SAN MARCOS HIGHLANDS REORGANIZATION"
ANNEXATION TO THE CITY OF SAN MARCOS, SAN MARCOS FIRE PROTECTION DISTRICT, AND VALLECITOS WATER DISTRICT WITH CONCURRENT DETACHMENTS FROM VISTA FIRE PROTECTION DISTRICT AND VISTA IRRIGATION DISTRICT
LAFCO FILE NO: RO17-07 ET AL.

WHEREAS, on June 7, 2017, the landowner, Farouk Kubba, 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 (Government Code § 56000, et seq.); and

WHEREAS, the application seeks approval for reorganization of approximately 124.91 acres of unincorporated territory and includes the principal action to annex all of the affected territory to the City of San Marcos; and

WHEREAS, the reorganization application also seeks concurrent actions to annex 11.2 and 45.2 acres to San Marcos Fire Protection District and Vallecitos Water District, respectively, with corresponding detachments from the Vista Fire Protection District and Vista Irrigation District; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed reorganization dated March 8, 1988; 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 proposed reorganization and need for conforming sphere of influence amendments has 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 along with reviewing the necessary concurrent sphere of influence amendments for consistency under Government Code Section 56375.5 on October 7, 2019

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. The hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.

2. At the hearing, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer's report.

3. The Commission serves as lead and responsible agency under the California Environmental Quality Act (CEQA) in considering two distinct "projects" associated with the reorganization proposal and as detailed in the Executive Officer's report: (a) accommodating sphere of influence amendments and (b) the reorganization itself. The Commission's findings follow.

    a) The San Diego Local Agency Formation Commission serves as lead agency under CEQA for the accommodating sphere of influence amendments to include the respective affected territory within the sphere of the Vallecitos Water District and concurrently exclude the respective affected territory from the spheres of the Vista Fire Protection District and the Vista Irrigation District. Staff has determined the activity is a project under CEQA but is exempt from the further review under the "general rule" provision provided under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres are planning policies and any amendments do not make any changes to the environment or authorize any new uses or services.

    b) The City of San Marcos serves as lead agency under CEQA for the reorganization and boundary changes therein to annex all of the affected territory to the City along with proportional annexations to San Marcos FPD and Vallecitos WD and concurrent detachments from Vista FPD and Vista ID. San Marcos has determined this activity and underlying development entitlements is a project under CEQA and prepared and adopted a Final Environmental Impact Report (FEIR) as part of a noticed hearing held on November 15, 2016. The FEIR attests the project will not have a significant and adverse impact on the environment after all feasible mitigation measures are implemented. The Commission has independently reviewed the FEIR and concurs with San Marcos' findings as a responsible agency.

4. The Commission APPROVES the following sphere of influence amendments subject to successful recordation of the associated proposed reorganization and in doing so makes the statements required under § 56425 and provided in "Exhibit A."

    a) The sphere of influence for the Vallecitos Water District is amended to include the affected territory as shown in "Exhibit B" including portions of Assessor Parcel Numbers 184-240-32, 184-240-33, 184-241-05, and 184-241-06.

    b) The sphere of influence for Vista Fire Protection District is amended to exclude the affected territory as shown in "Exhibit C" including Assessor Parcel Numbers 184-101-14, 184-102-18, 184-102-32, 184-102-44, and 184-240-32 (portion).

    c) The sphere of influence for Vista Irrigation District is amended to exclude the affected territory as shown in "Exhibit B" including portions of Assessor Parcel Numbers 184-240-32, 184-240-33, 184-241-05, and 184-241-06.

5. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all of the following:

    a) Annexation of all 124.9 acres of the affected territory to the City of San Marcos as shown in "Exhibit D."

b) Annexation of 11.2 acres of the affected territory to the San Marcos Fire Protection District and concurrent detachment from the Vista Fire Protection District as shown in "Exhibit C."

c) Annexation of 45.2 acres of the affected territory to the Vallecitos Water District and concurrent detachment from the Vista Irrigation District as shown in "Exhibit B."

6. The Commission CONDITIONS the approvals on the following terms being satisfied by October 7, 2020 unless an extension is requested and approved by the Executive Officer:

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

   b) Submittal to the Commission of final maps and geographic descriptions of the affected territory and the associated boundary changes as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.

   c) Submittal to the Commission of the following payments:

      - A check made payable to LAFCO in the amount of $100.00 to reimburse for filing notices with the County-Clerk Recorder's Office consistent with the findings in this resolution.

      - A check made payable to LAFCO in the amount of $346.90 to reimburse for the public hearing notice publication.

      - A check made payable to the State Board of Equalization for processing fees in the amount of $4,000.00.

7. The proposal is assigned the following distinctive short-term designation:

   "San Marcos Highlands Reorganization" (City of San Marcos)

8. The affected territory shall not be re-designated or re-zoned by the City of San Marcos for a period of no less than two years following the recordation of a Certificate of Completion unless exempting procedures are satisfied under Government Code § 56375(e).

9. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046. All subject landowners have provided written consent to the proposal and no subject has submitted written opposition to a waiver of protest proceedings.

10. The Commission waives conducting authority proceeding requirements under Government Code § 56662 and consistent with policy.

11. San Marcos Fire Protection District, Vallecitos Water District, Vista Fire Protection District and Vista Irrigation District are registered-voter districts.

12. City of San Marcos, San Marcos Fire Protection District, Vallecitos Water District, Vista Fire Protection District, and Vista Irrigation District all utilize the regular assessment roll of the County of San Diego.

13. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of San Marcos, San Marcos Fire Protection District, and Vallecitos Water District as provided under Government Code § 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges of the City of San Marcos, San Marcos Fire Protection District, and Vallecitos Water District as provided under Government Code Section 57330.

14. The effective date of the proposal shall be the date of recordation of the Certificate of Completion following completion of all terms.

15. As allowed under Government Code § 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

16. All general terms governing annexations and detachments authorized under Government Code Section 57300-57354 apply to this reorganization.

**

PASSED AND ADOPTED by the Commission on 7th of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:
**

STATE OF CALIFORNIA |
COUNTY OF SAN DIEGO

I, KEENE SIMONDS, Executive Officer of the Local Agency Formation Commission of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution adopted by said Commission at its regular meeting on October 7, 2019, which original resolution is not on file in my office; and that same contains a full, true, and correct transcript therefrom and of the whole thereof.

Witness my hand this 9th day of October 2019.

Keene Simonds, Executive Officer
San Diego Local Agency Formation Commission

EXHIBIT A

Government Code Section 56425
Sphere of Influence Determinations

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

The affected territory is entirely unincorporated and presently planned for low density residential uses by the County of San Diego as part of the North County Metro Community Planning Area and Twin Oaks Valley Subregion. The affected territory includes 11 parcels totaling approximately 124.9 acres. The subject parcels are unimproved with unassigned situs addresses. The City of San Marcos has adopted General Plan and pre-zoning assignments as part of a specific plan approval that covers 265.8 acres and includes all of the affected territory. An associated tentative subdivision map approval provides for the development of 189 single-family residential lots within the specific plan area with the majority concentrated in an approximate 50.0-acre portion of the affected territory. The remaining portion of the affected territory has been dedicated for passive uses as part of a 210.8 acre open space reserve. These planned uses are consistent with the proposal's purpose to synch urban services in support of the residential development and accompanying municipal greenbelt. The affected territory has not been cultivated for agricultural products and is not subject to the Williamson Act. The lands are not considered prime agriculture under LAFCO law.

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

Planned residential uses within the affected territory as described above merits organized and elevated municipal services. This need is substantiated by the landowner's intent to proceed and develop the affected territory as part of a 189-lot single-family residential subdivision consistent with the City of San Marcos' General Plan and Zoning Ordinance.

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

The City of San Marcos, San Marcos FPD, and Vallecitos WD would directly assume municipal service responsibilities for all of the affected territory upon reorganization. San Marcos and its subsidiary district, San Marcos FPD, presently provide a range of municipal services within their jurisdictional boundaries and highlighted by community planning, fire protection and emergency medical, parks and recreation, police (via contract with the San Diego County Sheriff), solid waste, and public works (streets and traffic). The Vallecitos WD presently provides water, wastewater, and recycled water services within its jurisdictional boundary. The level and adequacy of these agencies' municipal services were last reviewed by LAFCO in 2007 and 2008 and determined to be adequate for present and planned needs. Information collected and analyzed in reviewing the reorganization affirms these agencies have sufficient capacities to extend services to the affected territory without adversely impacting existing constituents.

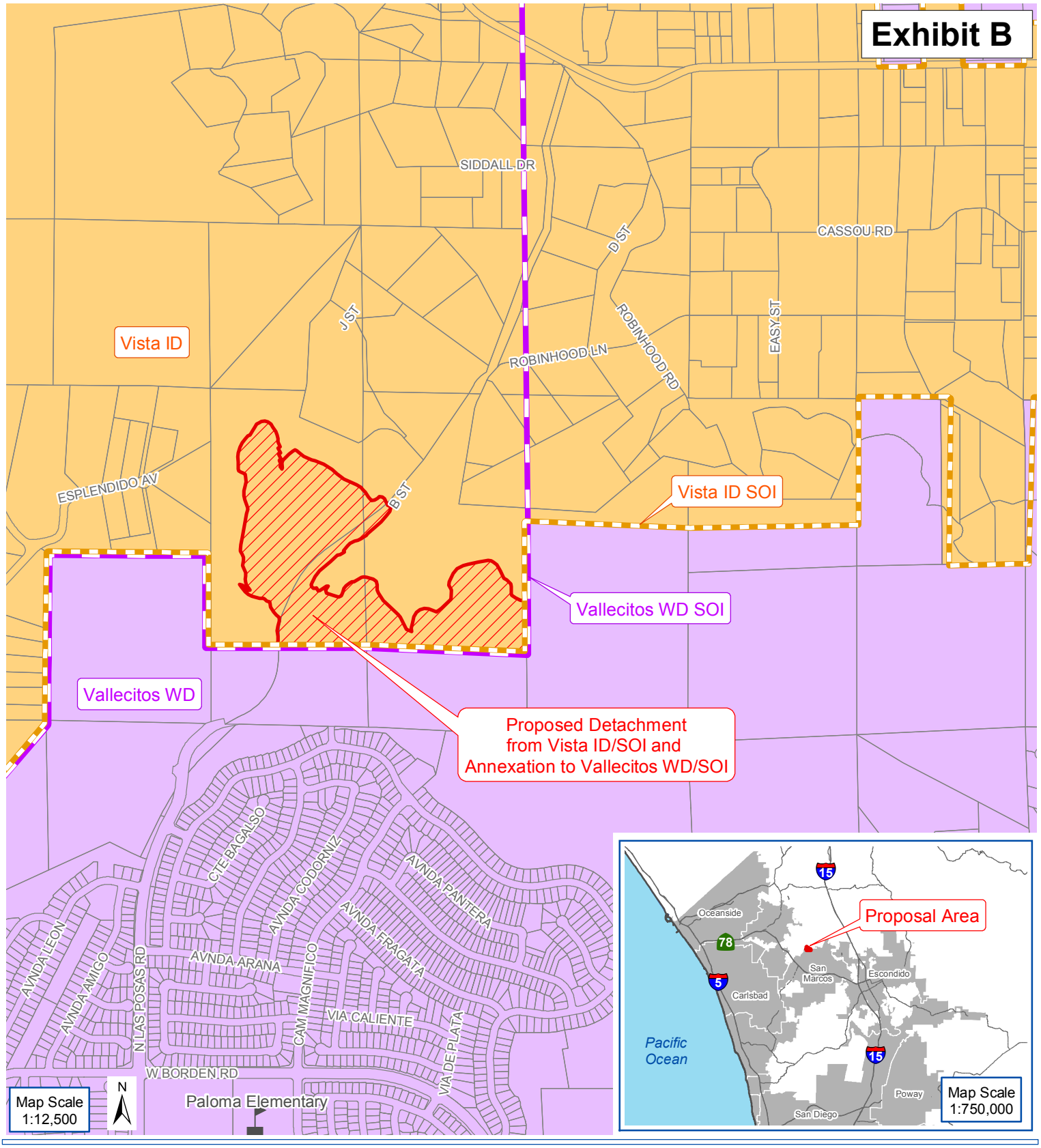
(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The affected territory has existing communities of interest with the City of San Marcos through common economic and social ties tied to its standing inclusion with its sphere of influence and expectation therein that future development occurs in the City. These existing communities of interest also extend to the San Marcos FPD as a San Marcos subsidiary. Expanding the Vallecitos WD sphere to include the affected territory is consistent and supports these referenced communities of interests given the District's role as primary provider of both public water and wastewater services within San Marcos.

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

The affected territory as described above is not located within a census tract qualifying as a disadvantaged unincorporated community under LAFCO policy.

Exhibit B



MAP 3: Vista ID/SOI and Vallecitos WD/SOI

SA17-07
RO17-07

PROPOSED "SAN MARCOS HIGHLANDS REORGANIZATION"

- Proposal Area
- Vista ID
- Vista ID SOI
- Vallecitos WD
- Vallecitos WD SOI

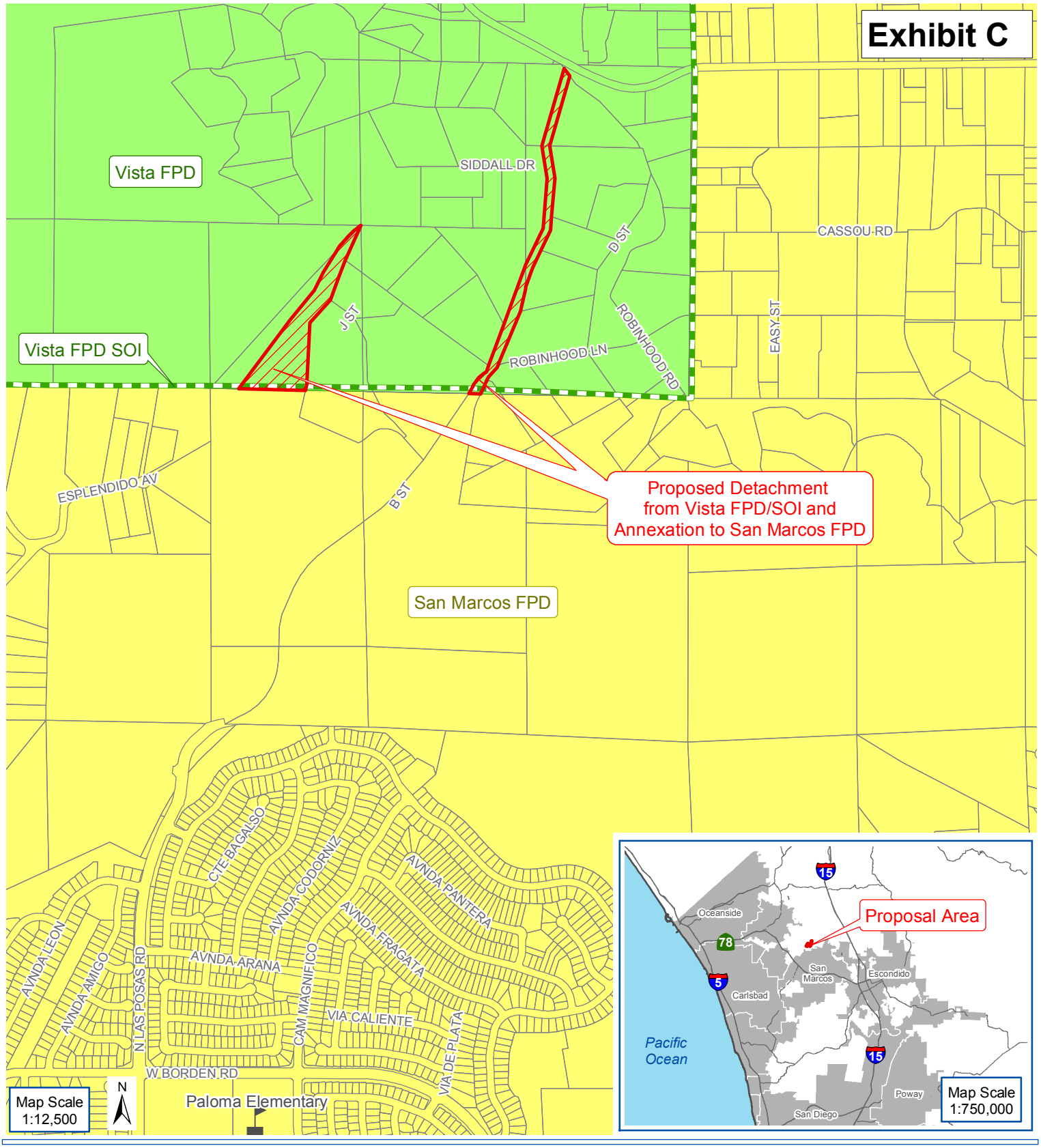
SOI = Sphere of Influence

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

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MAP 2: Vista FPD/SOI and San Marcos FPD

SA17-07
RO17-07

PROPOSED "SAN MARCOS HIGHLANDS REORGANIZATION"

- Proposal Area
- Vista FPD
- Vista FPD SOI
- San Marcos FPD

SOI = Sphere of Influence

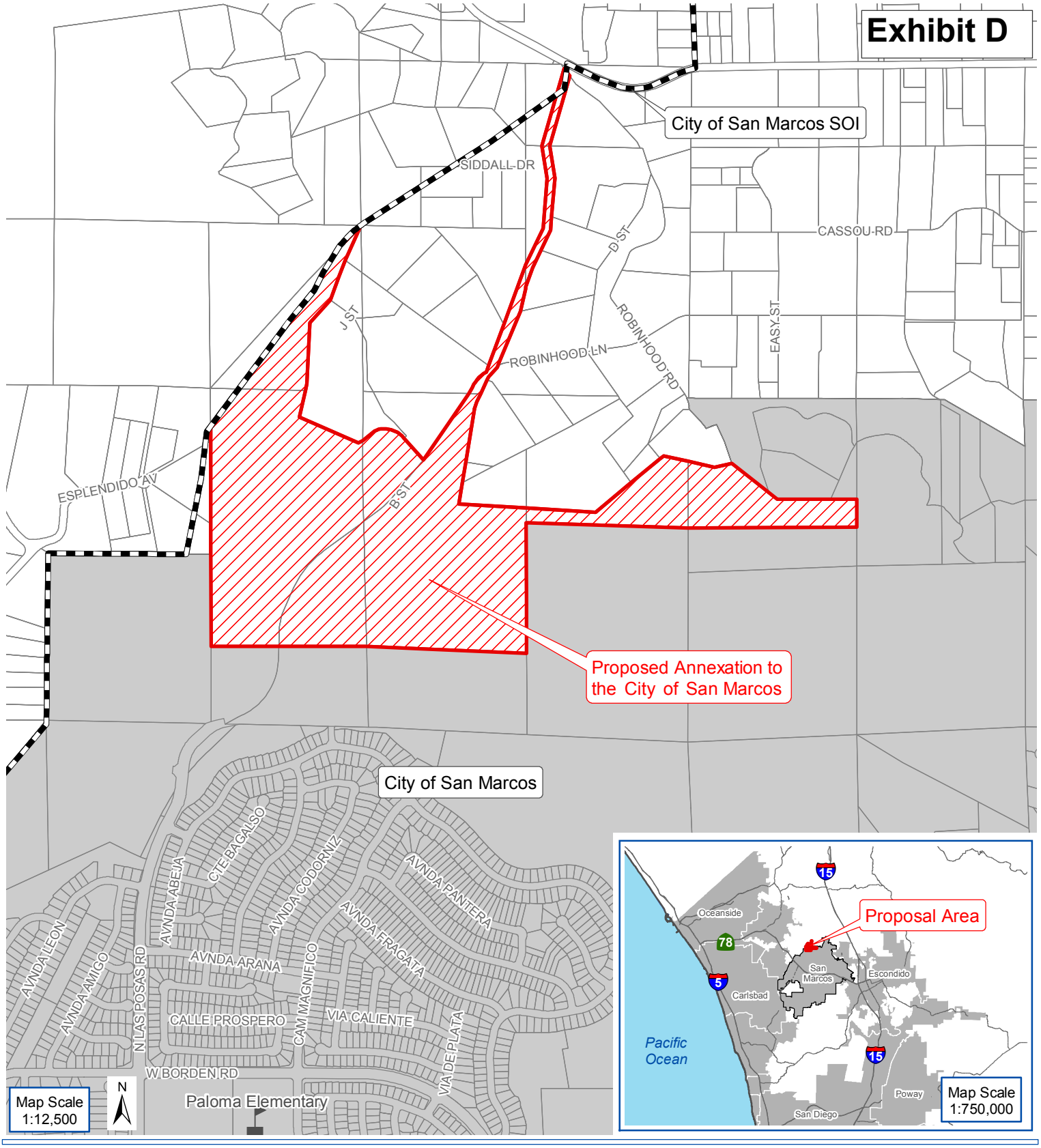
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Exhibit D



MAP 1: City of San Marcos and Sphere of Influence

SA17-07
RO17-07

PROPOSED "SAN MARCOS HIGHLANDS REORGANIZATION"

Proposal Area
City of San Marcos
San Marcos SOI

SOI = Sphere of Influence

San Diego County
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