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

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AGENDA REPORT
Public Hearing

April 5, 2021

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Linda Heckenkamp, Analyst II

SUBJECT: **Proposed "Plumosa Avenue Reorganization" | Annexation to the City of Vista with Concurrent Detachment from the Vista Fire Protection District and Conforming Sphere Amendment (RO20-18 et al.)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by the City of Vista with the principal action to annex 0.7 acres of unincorporated territory within the City sphere of influence. A concurrent detachment from the Vista Fire Protection District (FPD) is also proposed. The immediate proposal purpose is to facilitate the connection of public wastewater service in response to an underperforming septic system serving an existing residential duplex. Staff recommends approval of the proposed reorganization with a modification to include an adjacent public right of way as well as a conforming sphere of influence amendment involving Vista FPD. Standard approval terms along with waiving protest proceedings are also recommended.

BACKGROUND

Applicant Request

San Diego LAFCO has received a proposal by resolution from the City of Vista on behalf of the interested landowner - Krishnan Vijayaraghavan - requesting approval to reorganize approximately 0.7 acres of unincorporated territory with the principal action to annex to the

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City. A concurrent detachment from Vista FPD is also proposed to avoid jurisdictional overlap involving fire protection and emergency medical services. The affected territory as submitted comprises one developed residential duplex parcel at 721 & 723 Plumosa Avenue. The subject parcel is identified by the County of San Diego Assessor's Office as 217-601-21 and lies entirely within the Vista sphere of influence.

Affected Territory

The affected territory as submitted lies within an unincorporated area lying between the Cities of Vista and San Marcos and approximately 0.5 miles from the Sycamore Avenue on/off ramp for State Route 78. An aerial map of the affected territory relative to the Vista region follows. Attachment One shows the affected territory relative to the proposed boundary change involving the subject agencies and spheres of influence.

Affected Territory
as submitted

APN:
217-601-21

Address:
721/723 Plumas Ave

Landowner:
Vijayaraghavan

Current Use:
Residential Duplex

Last Transaction:
Sale on 12-4-19



Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: City of Vista and the Vista FPD.[1] A summary of the subject agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- The City of Vista was incorporated in 1963 as a general-law municipality with an estimated resident population of 101,557. Vista spans approximately 11,500 acres or 18 square miles and bordered by the unincorporated community of Bonsall to the north, City of San Marcos to the east, City of Carlsbad to the south, and City of Oceanside to the west. Vista provides a full range of municipal services with the notable exception of water, which is provided instead by one of two special districts overlapping the incorporated boundary: Vallecitos Water District and Vista Irrigation

[1] State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.

District. LAFCO established a sphere of influence for Vista in 1978, which was last reviewed and affirmed in 2008 with a larger-than-agency designation to include 547 non-jurisdictional acres. Vista's audited net position is $542.7 million as of June 30, 2020 with an undesignated fund balance of $152.4 million. Overall, Vista' total net position has changed by 40.4% over the prior three audited years.

- Vista FPD is an independent special district formed in 1944 with an estimated residential population of 18,736. Vista FPD spans 19,840 acres or 31 square miles and entirely unincorporated and bordered on the east by the Cities of Vista and Oceanside as well as to the south by the City of San Marcos. A five-member Board oversees Vista FPD and its fire protection and emergency medical service functions, which are provided by contract by Vista.[2] LAFCO established a sphere of influence for Vista FPD in 1984. The sphere was last reviewed and affirmed in 2008 with a larger-than-agency designation to include 441 non-jurisdictional acres. Vista FPD's audited net position is $11.43 million as of June 30, 2019 with an undesignated fund balance of $11.23 million. Overall, Vista FPD's total net position has changed by 7.6% over the prior three audited 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 agencies" relative to the proposed change of organization and listed below.[3]

- Buena Sanitation District
- City of Vista (sphere of influence only)
- County Service Area No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- North County Cemetery District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- Vista FPD [4]
- Vista Irrigation District

[2] Vista FPD was formed in 1944 to formalize volunteer fire fighting services in the then-largely rural and agrarian community. In 1970, Vista FPD and Vista entered into a joint-powers agreement (JPA) to coordinate fire protection services within their respective jurisdictions. This JPA assigned lead agency responsibility to Vista and provided that fire protection assets were to be merged with proportionate City-District ownership. In 2005, Vista purchased Vista FPD's share of assets and the JPA was terminated and replaced with an agreement that – and among other items – ensures a uniformity of service with the City serving both jurisdictions.

[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.

[4] Subject to the reorganization.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal and the principal action to annex the affected territory to the City of Vista. An associated boundary change to concurrently detach from Vista FPD is also part of the requested reorganization to avoid overlapping jurisdictions with respect to fire protection and emergency medical responsibilities. 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 immediate purpose of the proposal is to facilitate the connection of public wastewater service to the subject parcel and its existing residential duplex comprising the affected territory and in doing so remedy a failing septic system. Establishment of public wastewater also enables future improvements (density and intensity) to the subject parcel, although no plans exist at this time. The immediate need for public wastewater necessitates annexation to Vista given the City's prohibition on entering new outside service agreements.

Development Potential

The affected territory as proposed is planned for medium density single-family residential under both the County of San Diego and City of Vista General Plans. This compatibility is further reflected in both the County and Vista's zoning and prezoning assignments, respectively, with matching minimum lot sizes of 0.23 acres. These existing standards provide the maximum density of the subject parcel at three lots under either the land use authority of the County (baseline) or Vista (proposed).

Commission Focus

Three central and sequential policy items underlie San Diego LAFCO's consideration of the reorganization. These policy items ultimately take the form of new determinations and orient the Commission to consider the stand-alone merits of a (a) conforming sphere of influence amendment, (b) timing of the reorganization, and (c) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside of 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 issues referenced in the preceding section headlined by the timing of the reorganization relative to the factors mandated for review by the Legislature and applicable local policies. This also includes whether modifications and terms are appropriate in further meeting Commission objectives. The

second subsection considers other germane issues and highlighted by environmental review under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 |
Sphere of Influence Amendment

The proposed reorganization proposal necessitates San Diego LAFCO approve a conforming sphere of influence amendment to achieve consistency with the requested boundary changes as required under statute.[5] The scope of the amendment involves removing the affected territory from the Vista FPD's sphere of influence to accommodate the proposed detachment. (No amendment is needed to accommodate the proposed annexation to the City of Vista given the affected already lies within the City sphere.) Consideration of the amendment action is premised on the Commission's statutory task to designate spheres to demark the affected agencies' appropriate current and future service areas relative to community benefits and needs as determined by the membership. Staff believes it would be appropriate for the Commission, accordingly, to proceed and approve the conforming sphere amendment for the cumulative effect of recognizing the City of Vista – and not Vista FPD – as the appropriate provider of fire protection and emergency medical services for the affected territory going forward. Most notably, the amendment would facilitate the orderly syncing of local governance and services by directing the affected territory away from Vista FPD as a limited purpose agency and towards Vista as a multi-purpose agency. It would also economize resources by helping to eliminate a surplus layer of government given Vista is already providing service to the affected territory under contract by Vista FPD.

CONCLUSION |
MERITS OF A SPHERE OF INFLUENCE AMENDMENT

Approval of the sphere of influence amendment to exclude the affected territory from Vista FPD is sufficiently warranted. Justification is marked by the preceding analysis and recognizes the social and economic ties previously established between the affected territory and Vista FPD through their shared unincorporated status have evolved and weakened in direct contrast to the strengthening ties with the City of Vista and its expanding municipal role in the region. Additional analysis supporting the conclusion is provided in Appendix A.

[5] Reference to California Government Code 56375.5.

Item No. 2 |
Reorganization Timing

The timing of the proposed reorganization – and specifically the concurrent annexation of the affected territory to the City of Vista and detachment from Vista FPD – appears appropriate. This inclusion draws from the analysis of the statutory factors required for consideration for proposed jurisdictional changes along with the proposal's conformance with locally adopted policies. The majority of the prescribed factors and applicable policies focus on the impacts of the reorganization on the service and financial capacities of the *receiving* agency: City of Vista (emphasis added). A summary of key conclusions generated in the review of these factors follows.

- Service Needs
  The affected territory is located within an urbanizing area and immediately adjacent to the City of Vista. The existing development of the affected territory is consistent with surrounding incorporated land uses and accordingly merits a full range of supporting municipal services. This includes municipal services directly (community development, wastewater, park and recreation, fire protection and emergency medical, etc.) or indirectly by contract from the City (law enforcement and animal control). Annexation of the affected territory would represent a logical and orderly expansion of Vista's incorporated boundary and would not create islands or corridors. Additional details on service needs follow.

  - The Commission has previously designated the City of Vista as the appropriate future land use authority and primary service provider for the affected territory through standing inclusion of the subject parcel within the City's sphere of influence. Annexation now to Vista memorializes this standing expectation and accommodates the expressed interest of the affected landowner as evident by their written interest and consent in proceeding with the reorganization.

  - The connection of public wastewater service in response to the existing residential duplex's failing septic system helps to quantify the timing of the reorganization and annexation therein to the City of Vista is appropriate by syncing the boundary changes with a known need.

  - Approval would affirmatively respond to the Commission's policy interest to eliminate private septic systems in urbanizing areas in favor of connection to public wastewater systems when possible.

- Service Capacities and Levels
  The City of Vista would directly assume most municipal service responsibilities for the affected territory upon reorganization and highlighted by providing these core functions: community planning; wastewater; fire protection and emergency medical; and law enforcement. A review of existing capacities and levels indicates Vista has sufficient controls and resources to accommodate demands within the affected territory at its existing and planned uses. Additional details follow.

- The City of Vista would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. Vista has previously prezoned the affected territory as R-1 with a 10,000 square foot – or 0.23 acre – minimum lot size requirement, which sets the maximum density for the subject parcel at three lots. Should the Commission approve the reorganization, Vista would be prohibited from changing the zoning and underlying allowances for the first two years unless special findings are made at a noticed hearing.

- The City of Vista would assume wastewater service responsibilities for the affected territory as part of the reorganization. An existing Vista collection main is located adjacent to the southwest corner of the affected territory within the frontage public right-of-way on Plumosa Avenue and accessible through a private lateral connection. Wastewater from the project would be collected and conveyed for treatment to Encina Water Pollution Control Facility. It is projected the maximum average day wastewater demand generated within the affected territory at its currently buildout potential is 1,230 gallons and would accommodate six residential units (three single-family and three accessory dwellings). This amount represents 0.012% of the existing available capacity available to Vista at the Encina facility, and as such can be readily accommodated without additional resources or infrastructure planning.

- The City of Vista would formally assume fire protection and emergency medical service responsibilities from the Vista FPD as part of the reorganization. This change would have no material effect on service levels given Vista is the existing contract provider for Vista FPD throughout the District jurisdictional boundary. First-response would continue to be provided from Vista Fire Station No. 4, which is located 0.7 miles from the affected territory at 2121 Thibodo Road. Response times to the affected territory are estimated to be four minutes for priority calls and six minutes for non-priority calls.

- The City of Vista would formally assume law enforcement service responsibilities from the County of San Diego as part of the reorganization. This change would have no material effect on service levels given Vista contracts with County Sherriff to provide law enforcement – including patrol and a full range of other services – within the City's incorporated boundary. The Sheriff's substation at 325 S Melrose Drive is the closest substation and is 4.3 road miles in distance to the affected territory. Analysis performed by Vista in reviewing the underlying development project identified travel time for County Sheriff from the substation to the affected territory would be approximately eight minutes and would meet the minute standard (dispatch to scene) in the City General Plan.

- Service Funding and Costs
  The City of Vista has the financial resources and administrative controls to readily assume municipal service responsibilities to the affected territory in support of its present and planned development without adverse impacts. This comment is reflected in the staff analysis of Vista's recent audited statements which shows – among other items – the City remained profitable in each of the last three audited fiscal years with an average total margin of 18.8%. Separately, the detachment of the affected territory from Vista FPD will not produce a substantive impact on the District and its financial standing going forward.

CONCLUSION |
MERITS OF REORGANIZATION TIMING

The timing of the reorganization and transfer therein of land use authority and other specified services to the City of Vista is sufficiently warranted. Justification is marked by the preceding analysis and accommodates the planned and orderly use of the affected territory through Vista's consolidated land use and service powers as envisioned by the Commission and its standing placement of the lands in the City sphere and presently amplified given existing municipal needs. Additional analysis supporting the conclusion is provided in Appendix B.

Item No. 3 |
Modifications and Terms

Staff has identified one potential boundary modification to the proposal consisting of the inclusion of 0.16 acres of public right-of way- along Plumosa Avenue that merit consideration by San Diego LAFCO at this time. Applying standard terms appears appropriate.

CONCLUSION |
MODIFICATIONS AND TERMS

Staff recommends one modification of including 0.16 acres of public right-of way- along Plumosa Avenue. Approval of the proposed reorganization as submitted appears warranted. Standard terms are recommended.

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 and the County of San Diego before San Diego LAFCO can consider the proposed jurisdictional changes unless an existing master exchange agreement applies. Staff has confirmed the County Board of Supervisors has adopted a master property tax exchange agreement with the City of Vista applicable to the

proposed reorganization. The application of this master tax exchange agreement will result in a baseline year transfer of $6,122.45 of assessed property tax revenues to Vista.

Environmental Review

CEQA requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission's statutory authority. Accordingly, San Diego LAFCO is tasked with making two distinct determinations as lead and responsible agency under CEQA with respect to considering the reorganization filed by the City of Vista. Staff's analysis and recommendations follow.

- San Diego LAFCO serves as lead agency under CEQA for the accommodating amendment to exclude the affected territory from the Vista FPD's sphere of influence. Staff has determined the activity is a project under CEQA but exempt from 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.

- San Diego LAFCO serves as responsible agency under the CEQA for the reorganization and in deference to the City of Vista as lead agency. Staff concurs Vista has correctly determined the activity (i.e. annexation) is a project under CEQA but exempt from further review under the State CEQA Guidelines Section 15319(a). This exemption appropriately applies given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure.

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 recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agencies have not filed objections to the waiver, and the landowner has consented to the underlying actions.[6]

RECOMMENDATION

Staff recommends San Diego LAFCO proceed with a conditional approval of the reorganization proposal as submitted based on the analysis provided in the preceding section. This recommendation also includes a conforming sphere of influence amendment for Vista FPD and is consistent with Alternative One as outlined in the proceeding section.

[6] LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

ALTERNATIVES FOR ACTION

The following alternative actions are available to the Commission and can be accomplished through a single-approved motion.

Alternative One (recommended):
Adopt the attached draft resolution conditionally approving the reorganization proposal with one modification to include 0.16 acres of public right of way along Plumosa Avenue.

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 for action as part of a noticed public hearing. The following procedures are advised in the consideration of the item:

1. Receive verbal presentation from staff unless waived.
2. Open the public hearing and invite comments from the applicant and general public.
3. Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,

Linda Heckenkamp

Linda Heckenkamp
Analyst II

Appendices:

A) Sphere of Influence Factors
B) Analysis of Boundary Change Factors

Attachments:

1) Map of the Affected Territory
2) Draft Resolution of Approval
3) Resolution of Application

APPENDIX A
STATEMENT OF DETERMINATIONS
SPHERE OF INFLUENCE FACTORS

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

The affected territory as submitted totals 0.7 unincorporated acres and comprises on legal parcel developed with a residential duplex. This existing use is consistent with the City of Vista's adopted land use policies, which contemplates medium density residential uses for the subject lot with a maximum density of up to three lots. There are no agricultural or open space uses – present or planned – associated with the affected territory. Removing the affected territory from Vista FPD's sphere in combination of retaining the lands within Vista's sphere of influence is consistent with these present and planned uses.

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

The affected territory's present and planned residential uses merit a full range of municipal services and currently headlined by establishing public wastewater service given the deficiencies with an existing septic system. Removing the affected territory from Vista FPD's sphere of influence in combination with retaining the lands within the City of Vista's sphere of influence reflects these present and probable needs.

(3) The present capacity of public facilities and adequacy of public facilities.

The removal of the affected territory from Vista FPD's sphere of influence in combination with leaving the lands within the City of Vista's sphere of influence would facilitate the formal transition of fire protection and emergency medical service responsibilities accordingly. No substantive capacity impacts, however, would be engendered as a result of these actions given Vista is already under contract by Vista FPD to serve the affected territory.

(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 removal of the affected territory from Vista FPD's sphere of influence in combination with leaving the lands within the City of Vista's sphere of influence would strengthen existing economic and social ties between Vista and the lands.

(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 does not lie within a census tract qualifying as a disadvantaged unincorporated community under State statute or LAFCO policy.

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APPENDIX B
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 reorganization territory includes one unincorporated parcel within the City of Vista's sphere of influence totaling approximately 0.7 acres (217-601-21) and developed with residential duplex containing two dwelling units. The submitted proposal application materials identify the affected territory as currently occupied by five residents. The current assessed value of the subject parcel – including land and improvements – is $612,245 with the last transaction recorded in March 2020. The affected territory is contiguous with the existing Vista jurisdictional boundary and is generally surrounded by small to moderate residential lots. 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 City of Vista would assume the majority of municipal service responsibilities for the affected territory following reorganization. This includes assuming service responsibility from the County involving land use and community planning, roads, and police protection with the associated change in service levels and capacities being considered minimal. Also considered minimal would be the change in fire protection and emergency medical services with Vista formally assuming responsibility from Vista FPD. Water service to the affected territory would remain the responsibility of the Vista Irrigation District and is addressed in more detail in the following paragraphs. The most notable change in municipal services should the reorganization proceed involves the establishment of wastewater services and is focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**
  Connection to the system is readily available through a private lateral to an existing City of Vista sewer main located within the adjacent public right-of-way on Plumosa Avenue. The projected average day wastewater flow for the affected territory at maximum buildout 0.012% of the 4.24 million gallons of available and remaining daily capacity allocated to Vista through the Encina Water Pollution Control Facility.

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.

The affected territory presently lies within the City of Vista's sphere of influence, and as such has established relevant economic and social ties with respect to other services provided by the City (i.e., fire, law enforcement, parks, etc.) Approving the reorganization would recognize these existing ties and formally establish Vista as the single governing body responsible for wastewater and other municipal services to the affected territory.

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 the City of Vista would facilitate the extension of public municipal services to the affected territory, and in doing so support Vista's community planning policies. Similarly, approval would be consistent with the Commission's adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain "open-space" as defined under LAFCO law and no conflicts exists under Government Code Section 56377.

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 reorganization proposal and annexation to the City of Vista 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. 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 – with or without the recommended modification – would not create service islands or corridors.

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

A notice of the proposed reorganization to annex the affected territory to the City of Vista and detachment from Vista FPD was provided to the San Diego Association of Governments or SANDAG. No comments were received from SANDAG and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

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

The affected unincorporated territory is presently designated under the City of Vista's adopted General Plan for Medium-Low Density Residential (MLD with approved prezoning as R-1 with a 10,000 square foot minimum lot size. The underlying proposal purpose is to provide public wastewater to the existing residential duplex and in doing so remedying a failing septic system. The existing residential uses and densities are consistent with the Vista General Plan designations and adopted prezoning.

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

The affected territory lies entirely within the spheres of influence designated for the City of Vista and the Vista FPD. Additional details are provided in the analysis provided on page 10.

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

Notice of the submitted reorganization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on March 26, 2021 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 San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal.

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 Vista 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.

- Vista's last audit covers 2019-2020 and shows the City finished with good liquidity levels with an agency-wide current ratio of 12.3 (i.e., $12.32 in current assets for every $1.00 in current liabilities).

- Vista finished 2019-2020 with high capital levels as evident by a relatively moderate debt ratio of 30% (i.e., only $30.00 out of every $100.00 in net assets are financed.)

- Vista has remained profitable in each of the last three audited fiscal years with an average operating margin of 18.3%. The most recent year – 2019-2020 – the operating margin was 18.8%.

The landowner of the affected territory is responsible for payment of all required fees and service charges commensurate with the City of Vista's adopted fee ordinance in establishing wastewater services. At present, the wastewater service charge is $680.00 per year or $56.66 per month. The wastewater rates are fixed and are not based on flow or water usage. Extending wastewater service to affected territory 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 and connected to Vista Irrigation District's retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed reorganization would not affect the timely availability of water supplies to the affected territory. Further, no correspondence or comments otherwise were provided by Vista Irrigation District.

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 Vista by the region's council of governments, SANDAG. The boundary change 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 has initiated proceedings for the proposed reorganization and has provided written consent to the subject reorganization.

o) Any information relating to existing land use designations.

See above analysis for (h).

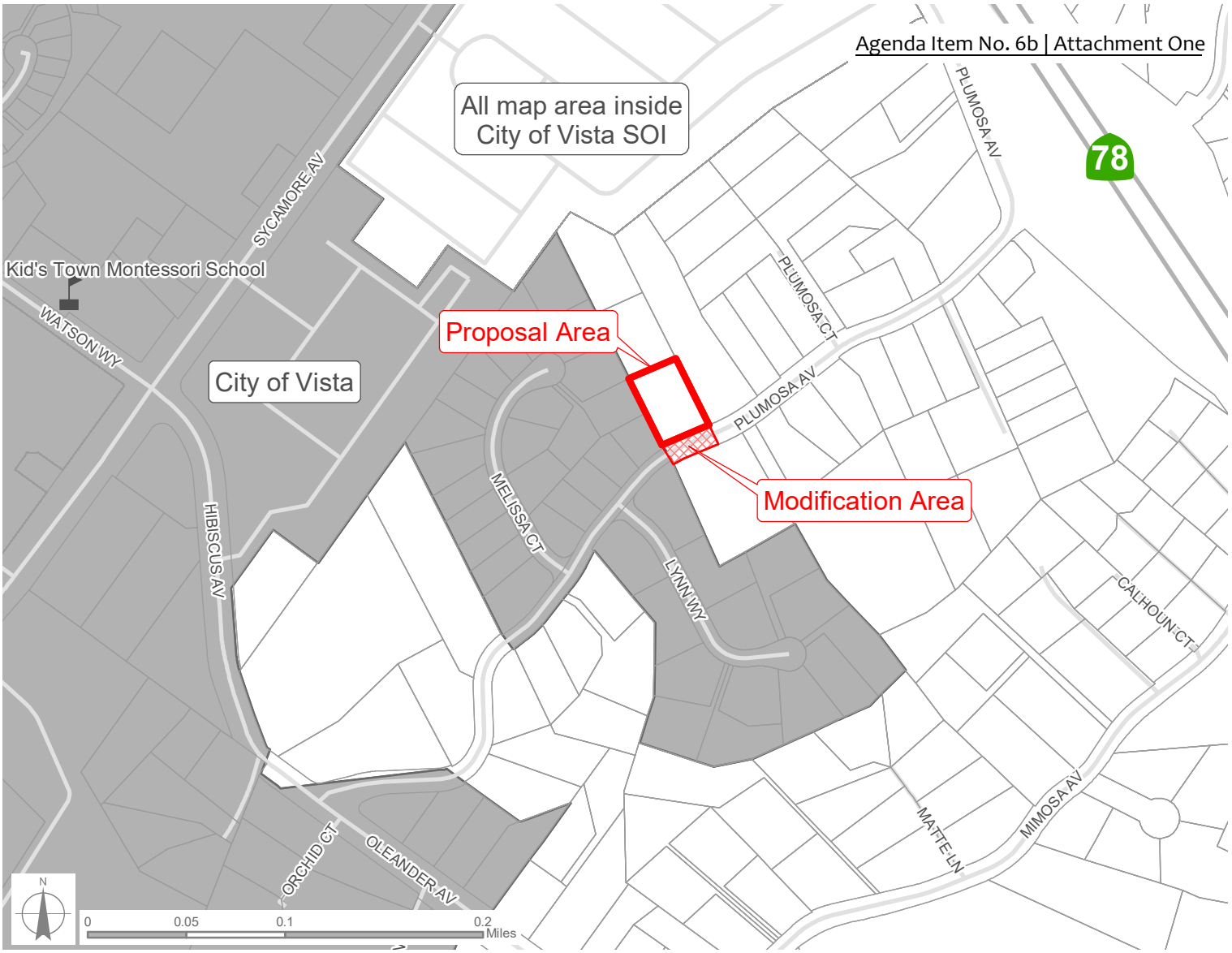
p) The extent to which the proposal will promote environmental justice.

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 reorganization does not include locating new public facilities and the proposed provision of public services would be limited to the existing single-family residence. Approval of the proposed reorganization is not anticipated to affect the promotion of environmental justice.

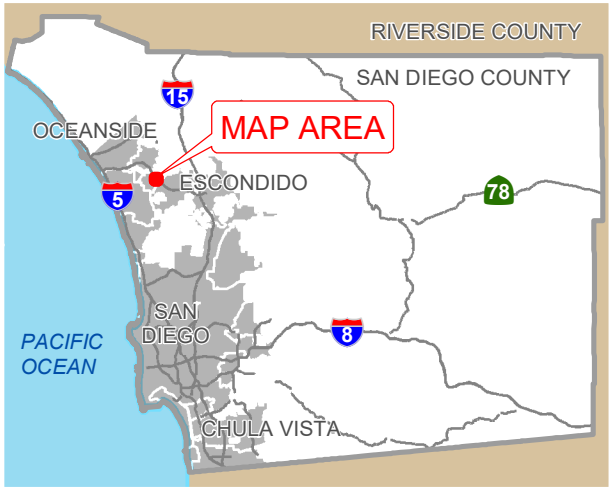
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The City of Vista General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies outside any identified threat designations.

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RO20-18 "PLUMOSA AVENUE REORGANIZATION" | ANNEXATION TO THE CITY OF VISTA AND CONCURRENT DETACHMENT FROM VISTA FIRE PROTECTION DISTRICT

SOI = Sphere of Influence

- Proposal Area
- Modification Area
- City of Vista
- City of Vista SOI

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

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RESOLUTION NO._____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

"PLUMOSA AVENUE REORGANIZATION"
CONCURRENT ANNEXATION TO THE CITY OF VISTA AND
DETACHMENT FROM THE VISTA FIRE PROTECTION DISTRICT
LAFCO FILE NO. RO20-18

WHEREAS, on September 3, 2020, the City of Vista filed a resolution on behalf of landowner Krishnan Vijayaraghavan 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 resolution seeks approval of a reorganization to annex approximately 0.7 acres of unincorporated territory to the City of Vista with a concurrent detachment of the affected territory from the Vista Fire Protection District; and

WHEREAS, the affected territory as proposed includes one unincorporated assessor parcel developed with an existing multi-family residence as 217-601-21 identified by the County of San Diego Assessor's Office; and

WHEREAS, applicable master property tax transfer agreements apply to the proposed reorganization dated November 20, 1984, January 7, 2004, and September 16, 2009; 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 April 5, 2021; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and 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. The Commission serves as lead agency for different actions underlying the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings specific to both roles follow.

    a) The Commission serves as the lead agency for the conforming sphere of influence amendment and finds the proposed sphere action qualifies as a project but is exempt under State CEQA Guidelines Section 15061(b)(3) - the "general rule" provision. 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) San Diego LAFCO serves as responsible agency under the CEQA for the reorganization and in deference to the City of Vista as lead agency. Staff concurs Vista has correctly determined the activity (i.e. annexation) is a project under CEQA but exempt from further review under the State CEQA Guidelines Section 15319(a). This exemption appropriately applies given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure.

4. The Commission APPROVES a sphere of influence amendment to Vista FPD to remove the affected territory shown in "Exhibit A" and as described in Section 5 below and condition on completion of all terms identified in Section 6 below.

5. The written statements of the Commission addressing the mandatory factors required for consideration any time spheres of influence are adopted, amended, or updated under Government Code Section 56425 are made and shown in "Exhibit B."

6. The Commission APPROVES the reorganization as described below and subject to conditions as provided. Approval involves all of the follow:

    a) The affected territory is modified and expanded to include 0.16 acres of unincorporated land comprising the adjacent public right-of-way to its centerline on Plumosa Avenue.

    b) Annexation of the affected territory to the City of Vista is shown in "Exhibit C-1" and described in "Exhibit C-2."

    c) Detachment of the affected territory from the Vista Fire Protection District as shown in "Exhibit D-1" and described in "Exhibit D-2."

7. The Commission CONDITIONS all approvals on the following terms being satisfied by April 5, 2022 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 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 $350.00.

- A check made payable to LAFCO in the amount of $658.50 for the public hearing notice published in the San Diego Union-Tribune.

8. The Commission assigns the proposal the following short-term designation:

   "Plumosa Avenue Reorganization"

9. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

10. The Commission waives conducting authority proceedings under Government Code Section 56662.

11. The Vista Fire Protection District is a registered-voter district.

12. The Vista Fire Protection District utilizes the County of San Diego assessment roll.

13. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of Vista as provided under Government Section 57328.

14. 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.

15. 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.

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

17. 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 April 5, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Attest:

_____
Keene Simonds
Executive Officer

EXHIBIT A
SPHERE OF INFLUENCE AMENDMENT
VISTA FPD

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EXHIBIT B
SPHERE OF INFLUENCE STATEMENTS
AMENDMENT TO VISTA FPD

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EXHIBIT C-1
MAP OF ANNEXATION TO CITY OF VISTA

-Placeholder-

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EXHIBIT C-2
GEOGRAPHIC DESCRIPTION
OF ANNEXATION TO CITY OF VISTA

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EXHIBIT D-1
MAP OF DETACHMENT
FROM VISTA FIRE PROTECTION DISTRICT

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EXHIBIT D-2
GEOGRAPHIC DESCRIPTION OF
DETACHMENT FROM VISTA FIRE PROTECTION DISTRICT

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RESOLUTION NO. 2020-151

A RESOLUTION OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, MAKING APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION/REORGANIZATION OF ASSESSOR'S PARCEL NUMBER 217-601-21-00

The City Council of the City of Vista does resolve as follows:

1. Findings. The City Council hereby makes the following findings:

A. The applicant, Krishnan Vijayaraghavan, has requested that the City of Vista make application to the Local Agency Formation Commission (LAFCO) for the reorganization of Assessor's Parcel Number APN 217-601-21-00;

B. The property described above have a General Plan Land Use Designation of MLD (Medium Low Density Residential);

C. The proposed pre-zoning designation for the property of R-1 is consistent with the proposed MLD General Plan Land Use Designation; and

D. The proposed reorganization is consistent with City Council Policy 300-10 regarding annexations.

E. The reorganization consists of the following actions:

i. For Assessor's Parcel Number 217-601-21-00, annex the property into the City of Vista, and detach the property from the Vista Fire Protection District, as shown in Exhibit "A".

ii. The property shall be incorporated into, and subject to assessment by, the City's Lighting and Landscape Maintenance and Street Maintenance Districts.

F. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended commencing with Section 56000 of the Government Code of the State of California.

G. The reorganization will require that a one-time deficit offset payment of $13,995 be made by Krishnan Vijayaraghavan, since a fiscal impact analysis identified a net annual deficit in General Fund revenues.

H. The Planning Commission is an advisory body to the City Council with respect to annexation requests.

I. The Planning Commission recommended that the City Council make an application to LAFCO at a duly noticed public hearing on August 4, 2020, with approval of Planning Commission Resolution No. 2020-17.

J. This project has been determined to be exempt from environmental review under the California Environmental Quality Act in accordance with CEQA Guidelines Section 15319 — Annexations of Existing Facilities and Lots for Exempt Facilities.

K. The City Council held a duly noticed public hearing to consider the Annexation/Reorganization on August 25, 2020.

L. At the public hearing, staff reports, both written and oral were received in evidence and all persons desiring to speak on the proposed project were heard. At the conclusion of the hearing, after consideration of all evidence presented, the City Council reached a decision on the matter as set forth below.

2. Action.

A. The above recitations are true and correct.

B. The City Manager or his designee is directed to prepare all application materials, with assistance of the property owner, that are necessary for the Local Agency Formation Commission of the County of San Diego to undertake proceedings for the annexation proposed herein.

C. The City Clerk is hereby authorized and directed to file a certified copy of this Resolution with the applicable fees required by Section 54902.5 of the California Government Code, in the form of a check from the property owner, to the executive officer of the Local Agency Formation Commission of the County of San Diego.

3. Adoption. PASSED AND ADOPTED at a meeting of the City Council of the City of Vista held on August 25, 2020, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By:

ATTEST:
KATHY VALDEZ, CITY CLERK

By:

Exhibits:
A. Area subject to reorganization – APN 217-601-21-00

APPROVED
Darold Pieper
20200825191405

EXHIBIT A: AREA SUBJECT TO REORGANIZATION

PLUMOSA ANNEXATION



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