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Keene Simonds

Counsel

Michael G. Colantuono

4

AGENDA REPORT

Consent | Action

May 7, 2018

TO: San Diego Commissioners

FROM: Keene Simonds, Executive Officer
Rich Miller, Contract Planner

SUBJECT: **Proposed Change of Organization | Hymettus Avenue–Zinser
Annexation to Leucadia Wastewater District (DA18-05)**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WD) to annex land within its established sphere of influence. The request involves the annexation of an approximate 0.27 acre incorporated parcel located within the City of Encinitas at 1481 Hymettus Avenue. The purpose of the proposal is to satisfy a building permit condition with the City of Encinitas for the landowners to proceed with a remodel of the existing single-family residence and addition of an accessory unit. Staff recommends approval of the proposal with a discretionary modification to add a 0.06 acre portion of the adjacent public right-of-way of Hymettus Avenue. Standard terms are also recommended. The County of San Diego Assessor's Office identifies the subject parcel for tax purposes as 254-120-02.

BACKGROUND

[Applicant Request | Affected Territory as Proposed](#)

San Diego LAFCO has received a proposal from the Leucadia WD on behalf of interested landowners (Logan and Rebekah Zinser) requesting annexation of an 0.27-acre incorporated parcel located at 1481 Hymettus Avenue in the City of Encinitas. The affected territory is developed to date with an approximate 1,000 square-foot single-family residence built in 1955. Sewage is currently managed onsite through a septic tank and leach field.

Subject Agencies

The proposal involves one subject agency: Leucadia WD.¹ A summary description of the lone subject agency follows.

- Leucadia WD is an independent special district formed in 1959 and provides wastewater services within an approximate 15 square-mile service area with a projected resident service population of 63,000. The jurisdictional boundary includes the northeast portion of the City of Encinitas and the southeastern portion of the City of Carlsbad. Key infrastructure includes 218 miles of sewer lines that collect and conveys wastewater to the Encina Wastewater Authority; a joint-powers authority co-membered by the District and operator of the Encina Wastewater Pollution Control Facility.² LAFCO most recently updated Leucadia WD's sphere of influence in 2013 to include 547 non-jurisdictional acres. The undesignated fund balance as of July 30, 2017 totaled \$32.2 million.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries of the following local agencies directly subject to San Diego LAFCO.³

- City of Encinitas
- San Dieguito Water District
- CSA No. 17 (San Dieguito Ambulance)
- CSA No. 135 (Regional Communications)

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without modifications – the applicant's proposal to annex the affected territory at 1481 Hymettus Avenue to Leucadia WD. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements.

Proposal Purpose

The purpose of the proposal is to allow the landowners to satisfy a building permit condition with the City of Encinitas to proceed with a remodel project of the existing single-family residence 1481 Hymettus Avenue. The remodel as proposed involves expanding the existing single-family residence by over one-half or 507 square feet as well as add a new 451 square foot detached accessory unit. A building permit for the additional unit cannot be issued until the landowners – and among other items – have satisfied Encinitas Code and requirement therein to connect to a public wastewater system.

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

² Signatories are Leucadia WD, Buena Sanitation District, Vallecitos Water District, and Cities of Encinitas, Carlsbad, and Vista.

³ State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere of influence contains or would contain, any territory for which a change or organization is proposed or ordered.

Development Potential

The affected territory as proposed and detailed in Appendix A is planned for low-density single-family residential use by the City of Encinitas. These uses are memorialized under Encinitas' Zoning Code, which assigns the affected territory as R-3 and a minimum lot density of 0.33 acres. This assignment precludes the affected territory from any further density. However, additional intensity is available and marked by the allowance of a detached accessory dwelling unit.⁴ This latter allowance is currently being pursued by the landowners with permit approval by Encinitas premised on annexation to Leucadia WD.

Commission Focus

The affected territory as proposed is part of a larger area already within the Leucadia WD sphere of influence. This existing determination by San Diego LAFCO narrows the Commission's consideration of the proposal to two central and sequential policy items. These policy items ultimately take the form of new determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the annexation and (b) whether discretionary boundary modifications or approval terms are appropriate.

ANALYSIS

The analysis of the proposal is organized into two subsections. The first subsection pertains to evaluating the central issues referenced above regarding the timing of the annexation relative to the factors mandated for review by the Legislature and local policies as well as whether modifications or terms are appropriate. The second subsection considers issues required by other applicable State statutes. This includes making findings under the California Environmental Quality Act (CEQA) and the disposition of protest proceedings per Government Code Section 57002(c).

Central Policy Items

Item No. 1 | Annexation Timing

The timing of the proposed annexation appears appropriate and highlighted by the analysis of the 16 factors required for consideration under LAFCO law. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the subject agency, Leucadia WD. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering all boundary changes in context to the Commission's own adopted policies and practices. A summary of key conclusions generated in the review of these factors for the boundary change proposal follows with a complete analysis provided in Appendix A.

⁴ An accessory dwelling unit is defined under the Encinitas Zoning Code as an attached or a detached residential dwelling unit on the same lot as an existing dwelling unit zoned for single-family or multifamily use that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

- Annexation of 1481 Hymettus Avenue to Leucadia WD for purpose of establishing permanent public wastewater services going forward is consistent with the adopted residential land use policies of the City of Encinitas; the current and appropriate land use authority as determined by Commission and memorialized by the lands' inclusion in the City's sphere of influence.
- There is an existing need for public sewer service to accommodate the current and planned residential use at 1481 Hymettus Avenue given the alternative would be to maintain a private on-site septic system. This alternative – among other items – would counter the Commission's interest and practice in discouraging private septic systems in developing urban areas.
- Leucadia WD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands at 1481 Hymettus Avenue at its potential maximum uses without impacting current ratepayers.
- 1481 Hymettus Avenue is substantially surrounded by Leucadia WD's jurisdictional boundary and the annexation of the lands would represent an anticipated and orderly expansion therein.

Conclusion:

The timing of the annexation is warranted under LAFCO law and adopted policy.

**Item No. 2 |
Modification and Terms**

Staff has identified one discretionary boundary modification to the proposal meriting action. This modification involves expanding the annexation boundary by an additional 0.06 acres to include all of the adjacent and incorporated public right-of-way along Hymettus Avenue. Underlying the Commission's consideration is its legislative directive to produce orderly governmental boundaries that protect against fragmented and disjointed municipal service areas. This includes specific direction to address islands, corridors, or similar disjointed boundaries in the review of all proposals (Government Code 56668(f)). Expanding the annexation to include the adjacent public right-of-way would serve to accomplish these specific directives while also corresponding with the existing sewer main that directly accommodates service to the affected territory. The modification would similarly position Leucadia WD to secure an annual blanket encroachment permit to perform work on the sewer main.⁵ Amending the proposal to include the adjacent public right-of-way may also be accomplished without additional notice or hearing under LAFCO law.⁶

⁵ Reference to California Street and Highway Code Section 679.

⁶ Landowner is defined in Government Code 56048 and excludes public agencies in which the affected territory is a public right-of-way.

The application of standard approval terms appears sufficient and are recommended. These standard terms include requiring the applicant to coordinate with the real party of interest to submit outstanding fees, prepare a final map and description of the affected territory with any required modifications, and complete the necessary reconsideration periods under both LAFCO law and CEQA.

Conclusion:

One modification appears appropriate to expand the annexation boundary by 0.06 acres to include all of the adjacent public right-of-way on Hymettus Avenue. Standard terms are sufficient.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a jurisdictional change, unless an applicable master property tax transfer agreement is adopted per Revenue and Taxation Code Section 99(d). The San Diego County Board of Supervisors has adopted a Master Enterprise District Resolution which will govern the exchange of property taxes associated with the annexation to the Leucadia WD. The application of this master agreement will result in no exchange.

Environmental Review

Leucadia WD serves as the lead agency for assessing potential impacts of the proposal under CEQA given the District has initiated the annexation proceedings. Leucadia WD has determined the action is a project under CEQA, but qualifies for an exemption under Public Resources Code Section 15319(a) given the territory proposed for annexation is already developed to its maximum density under existing land use policies. Staff concurs Leucadia WD has made an appropriate determination and the Commission – as the responsible agency under CEQA – should proceed with a concurrent finding.

Protest Proceedings

The affected territory (proposed or recommended) is considered uninhabited under LAFCO law given it contains less than 12 registered voters as defined under LAFCO law. Additionally, 100% of the qualifying landowners have provided their written consent to the proposal and Leucadia WD has not submitted written opposition to a waiver of protest proceedings. Therefore, protest proceedings for the proposal may be waived by the Commission per Government Code Section 56662(d).⁷

⁷ Staff is recommending the Commission modify the proposal to include an approximate 0.06 acre portion of an adjacent public right-of-way on Hymettus Avenue. As previously noted, landowner is defined in Government Code 56048 and excludes public agencies in which the affected territory is a public right-of-way, and as such written consent from the City of Encinitas as the easement holder.

ALTERNATIVES FOR ACTION

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

Alternative One (Recommended):

- a) Accept and incorporate the analysis of the Executive Officer's written report.
- b) Concur with the determination by Leucadia WD this annexation is a project under CEQA, but exempt from additional review pursuant to Section 15319(a).
- c) Determine the affected territory as modified is uninhabited, that 100% of the qualifying landowners have provided written consent, and Leucadia WD has not submitted written opposition to the waiver of protest proceedings.
- d) Adopt the form of resolution approving the "Hymettus Avenue-Zinser Annexation" to Leucadia WD (DA18-06) as submitted with modifications set forth in the Executive Officer's report and involve adding the adjacent public right-of-way on Hymettus Avenue. Protest proceedings are waived. Standard terms apply as follows and must be satisfied within 12 months year unless a time extension is approved by the Commission:
 - Completion of the 30-day reconsideration period under Government Code 56895.
 - Submittal of a 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.
 - Payment of any outstanding fees generated in the processing of the proposal pursuant to the LAFCO Fee Schedule.

Alternative Two:

Continue consideration to a time-specified regular meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

Disapprove the proposal. This option would preclude a similar proposal being presented to the Commission for a period of no less than one year.

RECOMMENDATION

Staff recommends the Commission proceed with Alternative One.

San Diego LAFCO

May 7, 2018 Regular Meeting

Agenda Item No. 4 | Hymettus Avenue-Zinser Annexation

PROCEDURES FOR CONSIDERATION

This item has been placed on the 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 staff,

A handwritten signature in black ink that reads "Rich Miller". The signature is written in a cursive, flowing style.

Rich Miller
Contract Planner

Attachments:

- 1) Vicinity Map of the Affected Territory
- 2) Submitted Application Materials

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APPENDIX A
ANALYSIS OF MANDATORY PROPOSAL REVIEW FACTORS
GOVERNMENT CODE SECTION 56668

- 1) 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 as proposed at 1481 Hymettus Avenue comprises one legal parcel (254-120-02) approximately 0.27 acres within the City of Encinitas. The existing single-family home presently encompasses 968 square feet and includes two bedrooms and one bathroom. The current assessed value of this subject parcel is \$1.1 million. Consistent with current zoning the landowners are pursuing a building permit with Encinitas to remodel the residence to add an additional 507 square feet. An approximate 450-square foot detached second unit is also proposed. Issuance of a building permit is contingent on annexing the subject parcel and wastewater connection therein to Leucadia WD.

As detailed, it is recommended the affected territory be expanded by an additional 0.06 acres to include a public right-of-way to the south along Hymettus Street.

The affected territory (proposed or recommended) is considered in-fill given the site is entirely surrounded by established single-family homes of similar sizes. A proposed connection to an adjacent Leucadia WD sewer main to serve the affected territory's residence is consistent with the Encinitas General Plan and Zoning Ordinance, and would not be considered growth inducing. Similarly, while some intensification in the neighborhood is expected, significant growth within the next 10 years is unlikely.

- 2) 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 Encinitas acts as the primary purveyor of general governmental services to the affected territory (proposed or recommended). This includes community planning, roads, and public safety with the latter including fire protection and law enforcement via a contract with the County Sheriff. Other pertinent service providers include San Dieguito Water District (domestic water) and County Service Area No. 17 (ambulance). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The affected territory at 1481 Hymettus Avenue is currently dependent on an on-site septic system. The age of the septic system is not known, but it is assumed it is at least 30 years old, and as such nearing the end of its useful lifespan. Connection to the system is readily available through an approximate 30-foot lateral to an existing Leucadia WD sewer main located within the adjacent public right-of-way. LAFCO has previously determined Leucadia WD is the appropriate provider of public wastewater to the entire area when the timing is deemed appropriate by including the lands within the District’s sphere of influence.

It is estimated the average day wastewater flow for the affected territory (proposed or recommended) under its existing development (one unit) is 129 gallons during dry weather months. It is also expected that flows increase to 250 gallons per day during wet weather months; the latter representing a 1.9 peaking factor. It is further estimated at buildout – two residential units (primary and accessory) – the average wastewater flow will increase to 258 gallons per day in dry weather months and increase to 490 gallons per day in wet weather months. The addition of these flow estimates can be readily accommodated by Leucadia WD with its allocated treatment capacity negligibly decreasing under potential buildout of the lands by less than one-hundredth of a percent. The following table summarizes flow conditions under baseline and annexation/buildout.

Encina WTP Leucadia Apportionment: Baseline <u>Without</u> Annexation of the Affected Territory (Amounts in Gallons)			
Contracted Capacity Dry Day	Demand Average Dry Day	Demand Average Wet Day	Contracted Capacity Wet Day
7,110,000	3,760,000	3,980,000	7,110,000
Demand-to-Capacity Ratio: 52.88%		Demand-to-Capacity Ratio: 55.98%	

Encina WTP Leucadia Apportionment: Baseline <u>With</u> Annexation of the Affected Territory @ Planned Buildout (Amounts in Gallons)			
Contracted Capacity Dry Day	Demand Average Dry Day	Demand Average Wet Day	Contracted Capacity Wet Day
7,110,000	3,760,258	3,980,490	7,110,000
Demand-to-Capacity Ratio: 52.89%		Demand-to-Capacity Ratio: 55.98%	

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

Approving the boundary change (proposed or recommended) to Leucadia WD would recognize and strengthen existing economic and social ties between the District and subject lands. These ties were initially established in 1984 when the Commission included the entire area into Leucadia WD’s sphere of influence, and in doing so signaling the lands would eventually warrant public wastewater service from the District.

4) 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.

The affected territory at 1481 Hymettus Avenue is developed as a conforming residential use under the City of Encinitas General Plan. Approving the proposed boundary change would establish public wastewater services to the residence consistent with provision already provided to adjacent properties. None of the lands qualify as “open-space” under LAFCO law and therefore does not conflict with G.C. Section 56377.

5) 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 (proposed or recommended) does not qualify as “prime agricultural land” under LAFCO law. Specifically, the lands are not 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.

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

The proposal as submitted is parcel-specific to include an approximate 0.27 acre residential lot located at 1481 Hymettus Avenue and identified for assessment purposes as 254-120-02. Staff recommends the Commission modify the proposal to also include an approximate 0.06 acre portion of the adjacent public right-of-way on Hymettus Avenue. This modification would – and among other benefits – eliminate a non-jurisdictional corridor within Leucadia WD. An updated map and geographic description conforming to the standards of the State Board of Equalization will be prepared should the modification be approved.

7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.

The affected territory (proposed or recommended) is entirely designated for relatively low-density single-family residential use under the adopted land use policies of the City of Encinitas. This includes designating and zoning the lands as R-3, which prescribes a minimum parcel size of 0.33 acres. These existing and planned uses are consistent with the proposal’s purpose to provide public wastewater to the present single-family residence and anticipated accessory unit as allowed under zoning. The proposal would not conflict with San Diego Forward, the regional transportation plan.

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

See earlier analysis concerning Factor No. 3.

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

Staff provided notice of the proposal to all subject agencies and other interested public agencies as required under LAFCO law. No written comments were received.

10) 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 Leucadia WD appears to have established sufficient financial resources and administrative controls therein relative to providing public wastewater to the affected territory (proposed or recommended) without adversely impacting existing ratepayers. This statement is supported by the following factors.

- Leucadia WD's last audit covers 2016-2017 and shows the District finished with good liquidity levels with an agency-wide current ratio of 8.8 (i.e., \$8.80 in current assets for every \$1.00 in current liabilities).
- Leucadia WD finished 2016-2017 with high capital as evident by an extremely low debt ratio of 4.2% (i.e., only \$4.20 out of every \$100.00 in net assets are financed.)
- Leucadia WD has remained profitable in each of the last five audited fiscal years with an average operating margin of 30%. The most recent year – 2016-2017 – the operating margin was 37%.

The landowners at 1481 Hymettus Avenue will pay all required fees and service charges commensurate with Leucadia WD's adopted fee ordinance in establishing wastewater services. At present, the residential wastewater service charge for a single-family residence is \$346.68 per year or \$28.64 per month. The wastewater rates are fixed and are not based on flow or water usage. Serving one additional home as a result of approval of the proposed annexation will not adversely impact existing ratepayers.

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

The affected territory's existing single-family residence is already in and receives domestic water service from the San Dieguito Water District. Approval of the boundary change (proposed or recommended) would not affect the timely availability of water supplies to the existing residence or the planned accessory unit.

12) 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 boundary change (proposed or recommended) 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 Encinitas by the region’s council of governments, San Diego Association of Governments or SANDAG, and the boundary change would not affect this designation.

13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The affected territory is uninhabited as defined LAFCO law (12 registered voters or less). The landowners support the annexation as witnessed by their signature of a consent form and no other comments were provided prior to preparation of this appendix.⁸

14) Any information relating to existing land use designations.

See earlier analysis concerning Factor No.7.

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

Leucadia WD does not contain any census tracts that would be considered as disadvantaged unincorporated communities. There appears to be no other germane environmental justice factors to consider.

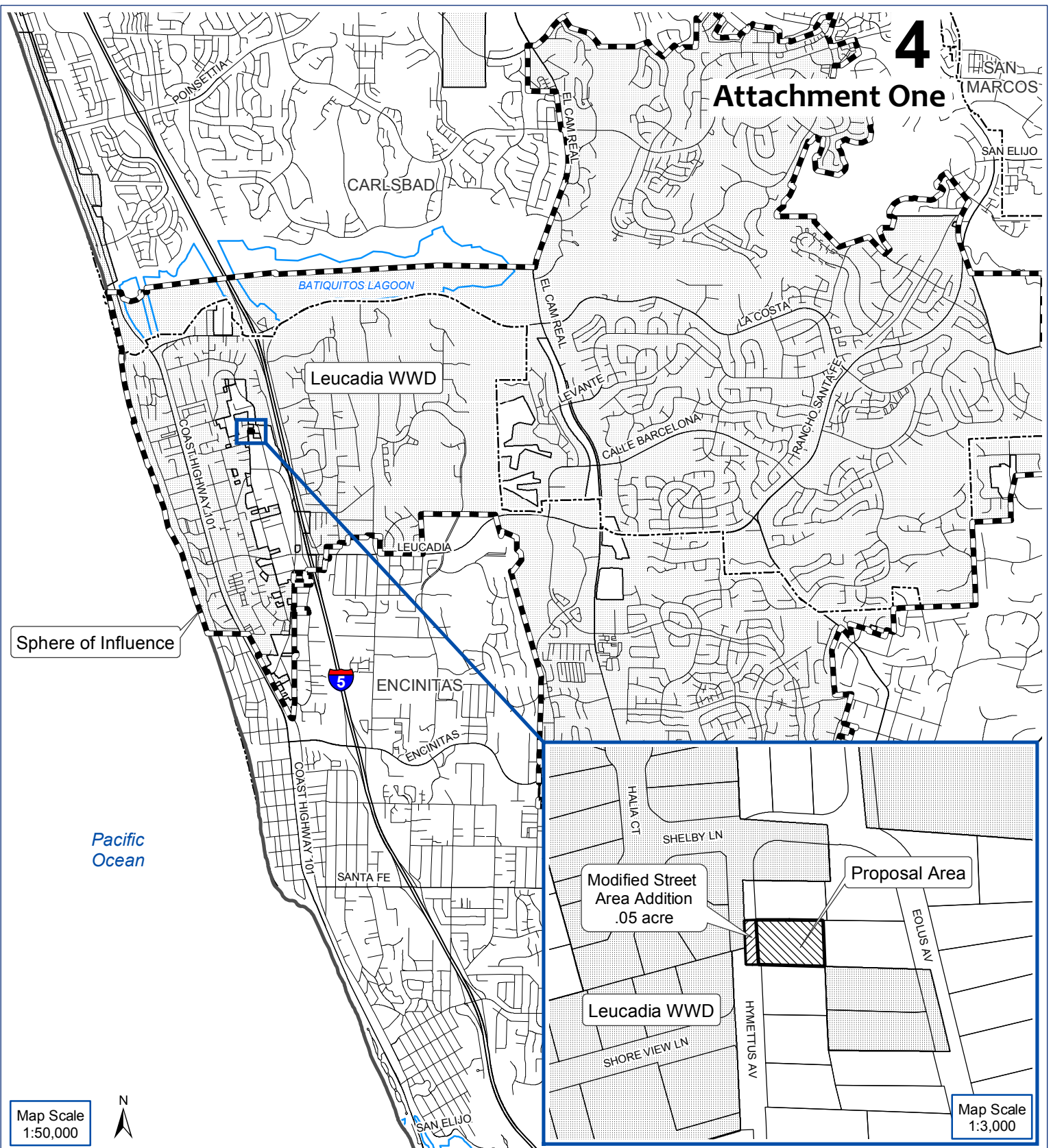
16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.

Approval of the boundary change (proposed or recommended) would be in the best interest of the landowners and surrounding neighborhood as it would allow for the replacement of an aging private septic system with a connection to a public wastewater system.





⁸ See Footnote No. 7 for additional discussion on landowners as it relates to the recommended modification to include the adjacent public right-of-way.

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4 Attachment One



DA18-05 PROPOSED "HYMETTUS AVENUE - ZINSER ANNEXATION" TO THE LEUCADIA WASTEWATER DISTRICT

-  Proposal Area
-  Street Area Addition
-  Leucadia WWD
-  Sphere of Influence

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Attachment Two

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

The **following information must be submitted** when filing a change of organization or reorganization proposal with the San Diego Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal.

1. **Completed CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION.**
2. (a) A **certified resolution of application** from an affected city or district; or
 (b) A **landowner or registered voter petition** making application to San Diego LAFCO (available from LAFCO or <http://www.sdlafco.org/forms/petition.pdf>).
3. A **metes-and-bounds legal description of the proposal territory perimeter** for the proposed boundary change(s), a **reproducible parcel/plat map**, and a **vicinity map**. For information about mapping requirements, refer to: http://www.sdlafco.org/forms/legal_description.pdf, and contact the County Assessor's Mapping Division at 619/531-5588. The Thomas Brother's Guide may be used for the vicinity map.
4. **Environmental documentation** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only:
- (a) INITIAL STUDY: Submit completed form (available from LAFCO) if no environmental review has been conducted;
- (b) CATEGORICAL EXEMPTION: Submit document if an agency has certified that the project qualifies for a categorical exemption from CEQA;
- (c) NEGATIVE DECLARATION (ND): Submit document with certifying resolution and Initial Study*;
- (d) ENVIRONMENTAL IMPACT REPORT (EIR): Submit 15 copies of the Final EIR and certifying resolution, plus one copy of the EIR Appendix*.
- * For an ND or EIR, a copy of the receipt for the fee paid to the California Department of Fish and Game must be submitted.
5. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
6. **JURISDICTIONAL CONFLICTS**: If the response to question number 6 on page 3 is "Yes", complete and sign the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf.
7. **Completed CAMPAIGN CONTRIBUTION DISCLOSURE FORM AND EVALUATION CHECKLIST for DISCLOSURE OF POLITICAL EXPENDITURES** (pages 7 and 8 of application).
8. **PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY** (page 9 of application).
9. Completed **SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM** (pages 10-12 of application) from **each** subject agency.
10. **LAFCO processing fees**. The San Diego LAFCO FEE SCHEDULE is available at <http://www.sdlafco.org/document/feeschedule.pdf>, or contact LAFCO staff.

SAN DIEGO LOCAL AGENCY FORMATION COMMISSION
9335 Hazard Way · Suite 200 · San Diego, CA 92123
(858) 614-7755 · www.sdlafco.org

CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION

The information in this application is used by LAFCO staff to evaluate proposals for changes of government organization. Please respond to **all** items in this form, indicating "NA" when an item does **not** apply.

SUBJECT AGENCY(IES) (City or Special District)	PROPOSED CHANGE OF ORGANIZATION/ACTION (Annexation, detachment, sphere amendment, etc.)
1. <u>Leucadia Wastewater District</u>	1. <u>Annexation</u>
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____

As part of this application, the city of _____ or the Leucadia Wastewater district, Logan and Rebekah Zinser (the applicant), and/or the _____ (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Diego LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any or all of them, the purpose of which is to attack, set aside, void, or annul the approval or denial of this application or adoption of or refusal to adopt the environmental document which accompanies it or any other action San Diego LAFCO takes with respect to this application. This defense and indemnification obligation shall include, but not be limited to, attorneys' fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. San Diego LAFCO's acceptance of this application is sufficient to make this agreement a binding, bilateral contract between us.

I acknowledge that annexation to the city of _____ or the Leucadia Wastewater district may result in the imposition of taxes, fees and assessments **existing within the (city or district)** on the effective date of annexation. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot proceeding or an election on those **existing taxes, fees and assessments**.

Agreed: _____
 Signature:  Date: 2/7/18
 Print/Type Name: Logan and Rebekah Zinser
 Address: 1481 Hymettus Avenue, Encinitas, CA 92024

Telephone: () 858-243-8470

Property Address: 1481 Hymettus Avenue, Encinitas, CA 92024

Cross Street(s): East Glaucus Street

Assessor Parcel Number(s): 254-120-02-00 Acres: 0.27

Indicate below if anyone, in addition to the person signing this application, is to receive notices of these proceedings.

Name: Leucadia Wastewater District

Address: 1960 La Costa Avenue, Carlsbad, CA 92009

Telephone: () 760-753-0155

A. PROPOSAL DESCRIPTION/JUSTIFICATION

1. Explain in detail why the proposal is necessary **at this time** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.). Per the City of Encinitas, the parcel is required to connect to the public sanitary sewer system to satisfy a permit condition for a tenant improvement.

2. Describe the use of **developed** property within the proposal territory, including details about existing structures. Describe anticipated development of **vacant** property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur. The existing single-family residence will have an addition of 507 square feet (sf) and the proposed detached accessory dwelling unit will be 451 sf.

3. Describe the topography and physical features of the proposal territory, as well as its general location in relation to communities, major freeways/highways, roads, etc. The site has a single slope of less than 10 percent. The site is located west of Interstate 5 freeway. The surrounding community is single-family residences.

4. How many residents live within the proposal territory? 5

5. How many of these residents are registered voters? 2

6. Are there any jurisdictional issues associated with the LAFCO proposal or pending LAFCO action?

NO YES (If yes, please complete the Policy L-107 form at http://www.sdlafco.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

If the proposal territory is **not** within an incorporated city, San Diego County General Plan and zoning information may be obtained by calling (858) 565-5981 or toll-free (888) 267-8770 with the Assessor Parcel Number(s) of the subject property. If the proposal territory is within a city, please call the appropriate city's planning department for General Plan and zoning information.

1. COUNTY:

(a) The territory is within the City of Encinitas community plan.

(b) The County General Plan or community plan designation and allowed density: N/A

(c) Current County zoning and allowed density: N/A

2. CITY:

(a) The territory is within the general plan area for the City of Encinitas

(b) The City General Plan land use designation and allowed density: Residential R-3

(c) Current City zoning and allowed density: Residential R-3

(d) Current City prezoning and allowed density: N/A

3. Indicate below **all** permits or approvals that will be needed by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date.

Type of Approval or Permit	File No.	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			<input type="checkbox"/> YES <input type="checkbox"/> NO
Tentative Parcel Map			<input type="checkbox"/> YES <input type="checkbox"/> NO
Major Use Permit			<input type="checkbox"/> YES <input type="checkbox"/> NO
City/County General Plan Amendment			<input type="checkbox"/> YES <input type="checkbox"/> NO
City Prezoning			<input type="checkbox"/> YES <input type="checkbox"/> NO
County Rezone			<input type="checkbox"/> YES <input type="checkbox"/> NO
(Other)			<input type="checkbox"/> YES <input type="checkbox"/> NO

4. Describe the land uses surrounding the proposal territory (e.g., residential, commercial, agricultural, industrial, open space, etc.).

North: Residential East: Residential

South: Residential West: Residential

5. Indicate with a if any portion of the proposal territory contains the following:

- Agricultural land uses Agricultural Preserve
- Open Space Easement Slopes greater than 25%
- Sewer moratorium area Coastal Permit Zone
- Unusual features such as: _____

6. For city annexation proposals: Is any part of the proposal territory under a Williamson Act contract? If yes, please contact the LAFCO office for special instructions regarding petition/resolution of application requirements. YES NO

C. PUBLIC SERVICES INFORMATION

SEWER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public sewer service? YES NO
(b) *If yes*, which agency? _____
2. (a) Is a developed parcel in need of annexation due to failed septic system? YES NO
(b) *If yes*, include a copy of any letters from the San Diego County Department of Environmental Health or private septic-system company.
(c) *If no*, is annexation for sewer service part of this application? YES NO
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? Leucadia Wastewater District
4. (a) Has the agency that will be providing service issued a letter of sewer availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. (a) Will the agency be prepared to furnish sewer service upon annexation? YES NO
(b) *If no*, please explain: _____

WATER SERVICE:

1. (a) Is the proposal territory within a district or city that provides public water service? YES NO
(b) *If yes*, which agency? San Dieguito Water District
2. Is a well or other on-site water system currently used on the property? YES NO
3. Is an on-site system proposed to be used when the property is developed? YES NO
4. (a) Is annexation for water service part of this application? YES NO
(b) *If yes*, which district or city would serve the territory if this jurisdictional change is approved? _____
(c) Will the agency that will be providing service be prepared to furnish water service upon annexation? YES NO
5. (a) Has the agency that will be providing service issued a letter of water availability? YES NO
(b) *If yes*, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES: NOTE: Complete the following section *only* if annexation to a fire protection service provider is proposed—or if the current fire protection service provider is proposed to change.

1. (a) Is the proposal territory *currently* within an agency that provides fire protection? YES NO

(b) *If yes*, provide name and address/location of current fire service provider

(c) Provide estimated response times to the proposal territory:

priority _____ minutes; non-priority _____ minutes

2. Is annexation for fire protection service part of this application? YES NO

3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of the proposed fire service provider: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

POLICE PROTECTION SERVICES: NOTE: Complete the following section *only* if the police protection provider is proposed to change.

1. Which police agency *currently* serves the proposal territory?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory: priority _____ minutes; non-priority _____ minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

(a) Location/address of nearest police station: _____

(b) Estimated response times to the proposal territory:

Priority _____ minutes; non-priority _____ minutes

CAMPAIGN CONTRIBUTION DISCLOSURE PROVISIONS

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Diego LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party¹ or agent² while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.

2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.

3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

¹ "Party" is defined as any person who files an application for, or is the subject of, a proceeding.

² "Agent" is defined as a person who represents a party in connection with a proceeding. If an individual acting as an agent also is acting as an employee or member of a law, architectural, engineering, or consulting firm, or a similar entity or corporation, both the individual and the entity or corporation are agents. When a closed corporation is a party to a proceeding, the majority shareholder is subject to these provisions.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated.

Names of current LAFCO commissioners are available at <http://www.sdlafco.org/document/CommRoster.pdf>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Diego LAFCO at 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(a) Proposed change(s) of organization: _____
Annexation

(b) Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1. None _____

2. _____

(c) Date and amount of contribution:

Date _____ Amount \$ _____

Date _____ Amount \$ _____

(d) Name of commissioner to whom contribution was made:

1. _____

2. _____

(e) I certify that the above information is provided to the best of my knowledge.

Printed Name Logan and Rebekah Zinser

Signature 

Date 2/7/18 Phone 858-243-8470

To be completed by LAFCO:

Proposal:

Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

Effective January 1, 2008, expenditures for political purposes, which are related to a change of organization or reorganization proposal that will be or has been submitted to LAFCO, are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act of 1974 (Government Code Section 81000 et seq.) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be filed with the Secretary of State and the appropriate city or county clerk. Copies of the report must also be filed with the Executive Officer of San Diego LAFCO.
- A roster of current San Diego LAFCO commissioners is available from the LAFCO office: 9335 Hazard Way, Suite 200, San Diego, CA 92123, (858) 614-7755, or from <http://www.sdlafco.org/document/CommRoster.pdf>

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 et seq. apply to you. For further assistance contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
 No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

- Yes
 No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

3. If you have filed a report in accordance with FPPC requirements, has a copy of the report been filed with San Diego LAFCO?

- Yes
 No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

Note: Processing of jurisdictional boundary change proposals, which involve **uninhabited**¹ territory, can be expedited by approximately 60 days if all affected landowners consent to the proposal. If you wish to take advantage of this option, please return the completed PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY to San Diego LAFCO with your application for a jurisdictional boundary change. If consenting signatures of **100%** of the affected property owners are affixed and LAFCO does not receive any opposition from subject agencies, the Commission may consider the proposal without public notice, public hearing and/or an election.



¹ Territory included within a proposed boundary change that includes less-than 1/2 registered voters is considered **uninhabited** (Government Code 56045).

The undersigned owners(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization or reorganization consisting of:

(Please list all proposed actions)

Annexation to: 1. Leucadia Wastewater District
 2. _____
 3. _____


Detachment from: 1. _____
 2. _____
 3. _____

	<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1.	<u>2/7/18</u>		<u>254-120-02-00</u>
2.	<u>2/7/18</u>		<u>254-120-02-00</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Attach additional sheets if necessary

SUBJECT AGENCY SUPPLEMENTAL INFORMATION FORM

NOTE: A copy of this form must be completed and signed by **each** local agency that will gain or lose territory as a result of the proposed jurisdictional boundary change. Attach additional sheets if necessary.

 _____ Signature of agency representative	Dexter Wilson, P. E. _____ Print name
LWD District Engineer _____ Title	
(760) 438-4422 _____ Telephone	1/18/18 _____ Date

A. JURISDICTIONAL INFORMATION:

Name of agency:
Leucadia Wastewater District

1. Is the proposal territory within the agency's sphere of influence? Yes No
2. Upon annexation, will the proposal territory be included within an assessment district and be subject to assessment for new or extended services? Yes No
3. Does the agency have plans to establish any new assessment district that would include the proposal territory? Yes No
4. Will the proposal territory assume any existing bonded indebtedness? Yes No
 If yes, indicate any taxpayer cost: \$ _____
5. Will the proposal territory be subject to any special taxes, benefit charges, or fees? Yes No
 If yes, please provide details of all costs: Sewer capacity fees-\$4,006 per Equivalent Dwelling Unit (EDU) & sewer service fees of \$343.68 per year per EDU for FY2018
6. Is the agency requesting an exchange of property tax revenues as a result of this proposal? Yes No
7. Is this proposed jurisdictional change subject to a master property tax agreement or master enterprise district resolution? Yes No
8. FOR CITY ANNEXATIONS: Does the proposal territory contain existing commercial development that generates retail sales of ten million dollars or more per year? Yes No
9. FOR CITY ANNEXATIONS: If any part of the proposal territory is under a Williamson Act contract, please contact the LAFCO office for special instructions regarding petition or resolution of application requirements.

EXPEDITED PROPOSAL PROCESSING: Processing of jurisdictional boundary change proposals can be expedited by approximately 60 days if all affected landowners consent to the waiver of protest and termination (conducting authority) proceedings and subject agencies do not oppose the waiver. If you do NOT want to waive these proceedings, then attach a written statement to the subject agency information form containing a signature, date, and declaration of opposition to a waiver of such proceedings.

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? _____

30,000 EDU's

2. What is the average volume of influent currently being treated by the agency (expressed in million gallons per day and equivalent dwelling units)? _____

Approximately 4.0 mgd daily average

3. (a) What is the agency's peak flow volume (expressed in million gallons per day)?
Approximately 9.0 mgd (peak daily instantaneous flow)

(b) What is the agency's peak flow capacity (expressed in million gallons per day)?
Approximately 15.5 mgd (peak instantaneous flow)

(c) Has the agency exceeded the flow (peak) capacity within the past two years?

(d) **If yes**, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____

YES NO

4. (a) Has the agency issued a letter of sewer availability for the proposal territory? YES NO

(b) **If yes**, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

5. (a) How many future equivalent dwelling units have been reserved or committed for proposed projects? 0.5 EDU's

(b) Can all projects that have received commitments of sewer availability (e.g., "will serve letters") be accommodated with planned capacity? YES NO

6. (a) Does the agency have the necessary contractual and/or operational treatment capacity to provide sewer service to the proposal territory? YES NO

(b) **If yes**, please specify the proposal territory's estimated sewer demand and the agency's available sewer capacity (expressed in million gallons per day and equivalent dwelling units):

The projected build out demand is approximately 6.45 mgd and capacity rights are currently 7.10 mgd, thereby exceeding project demand requirements

(c) **If no**, please describe the agency's plans to upgrade capacity to resolve any capacity related issues: _____

7. Will the proposal territory be annexed to a sewer improvement district? YES NO

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 50 feet.

(b) Describe the location of the connection to the agency's existing sewer system:

Onsite private sewer lateral will connect to public sewer in the middle of the street

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? YES NO

(b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

(c) *If no*, what plans does the agency have to increase its water capacity?

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): YES NO

3. (a) Has the agency issued a letter of water availability for the proposal territory? YES NO

(b) *If yes*, please provide a copy of the letter. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

4. (a) The distance for connection of the proposal territory to the agency's existing water system is _____ feet.

(b) Describe the location of the connection to the agency's existing water system:

5. (a) Is the agency currently under any drought-related conditions and/or restrictions? YES NO

(b) *If yes*, describe the conditions and specify any related restrictions:

6. (a) Will the proposal territory utilize reclaimed water? YES NO

(b) *If yes*, describe the proposal territory's reclaimed water use and the agency's available reclaimed water supply and capacity (expressed in acre-feet or million gallons per day):

(c) The distance for connection of the proposal territory to the agency's existing reclaimed water system is _____ feet.

(d) Describe the location of the connection to the agency's existing reclaimed water system: _____

(e) *If no*, has the agency considered availability of reclaimed water to the proposal territory? YES NO

(f) What restrictions prevent use of reclaimed water? _____

7. Will the proposal territory be annexed to an improvement district? YES NO

RESOLUTION NO. 2294

**A RESOLUTION OF APPLICATION BY THE
BOARD OF DIRECTORS OF LEUCADIA WASTEWATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
TO TAKE PROCEEDINGS FOR THE PROPOSED
ZINSER CHANGE OF ORGANIZATION**

RESOLVED, by the Board of Directors of the Leucadia Wastewater District, that

WHEREAS, the Board of Directors of the LEUCADIA WASTEWATER DISTRICT (LWD), San Diego County, State of California, desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the proposed McLean Change of Organization; and

WHEREAS, the proposed Zinser Change of Organization includes annexation of the Zinser territory (*APN 254-120-02-00*) to the LWD; and

WHEREAS, the reasons for this proposed Change of Organization are as follows:

1. LWD is empowered to and is engaged in the collection, treatment, and disposal of wastewater and has existing facilities to provide wastewater service to the territory proposed to be annexed.
2. The owners of the territory desire to utilize the LWD facilities.
3. The territory to be annexed is within LWD's Sphere of Influence.

WHEREAS, the territory subject to the proposed Change of Organization is uninhabited, and a description of the external boundary of the territory is set forth in Exhibit "A" and a map thereof is set forth in Exhibit "B", both attached hereto and by this reference incorporated herein; and

WHEREAS, LWD requests that the proposed Change of Organization be subject to the following terms and conditions:

1. The annexed property is thereafter subject to capacity fees, sewer service fees, and all other district-wide Ordinances and Resolutions of LWD.

WHEREAS, LAFCO is authorized to approve this proposed Change of Organization without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution ordering the change of organization by the County Recorder.

WHEREAS, the staff of LWD has reviewed this proposed Change of Organization under the California Environmental Quality Act (CEQA) and has found it to be categorically exempt from CEQA pursuant to Section 15319 (a) of the California Environmental Quality Act.

NOW, THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the LEUCADIA WASTEWATER DISTRICT. The Local Agency Formation Commission of San Diego County is hereby requested to take proceedings for the proposed Change of Organization that includes the territory as described in Exhibit "A" and shown in Exhibit "B", according to the terms and conditions stated above and in a manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

PASSED AND ADOPTED at a Regular meeting of the Board of Directors held on February 14, 2018 by the following vote:

AYES: Sullivan, Kulchin, Juliussen, Omsted, Hanson
NOES: None.
ABSTAIN: None.
ABSENT: None.



Elaine Sullivan, President

ATTEST:


Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"

ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHICAL DESCRIPTION

APN 254-120-02-00

ANNEXATION NO. 2294

A PORTION OF LOT 4 IN BLOCK "L" OF SOUTH COAST PARK ANNEX, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1788 FILED IN THE OFFICE OF THE COUNTY RECORDER MARCH 29, 1924, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE OF HYMETTUS AVENUE, AS SAME IS SHOWN ON MAP NO 1788; THENCE

SOUTH 3°27'30" EAST 179.35 FEET FROM THE INTERSECTION OF SAID CENTERLINE WITH THE CENTER LINE OF EOLUS AVE, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL OF LAND RECORDED APRIL 4, 1923 AS FILE NO. 19602 IN BOOK 1471, PAGE 130 OF DEEDS; THENCE

NORTHWEST CORNER BEING A POINT IN A LINE WHICH BEARS SOUTH 89°59'23" WEST FROM THE CENTERLINE OF SAID EOLUS AVENUE, DISTANT THEREON SOUTH 14°23'30" EAST 63.81 FEET FROM THE SOUTHEASTERLY TERMINUS OF A TANGENT 143.24 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY IN SAID CENTERLINE; THENCE

- 1) SOUTH 3°27'30" EAST 90.00 FEET; THENCE
- 2) NORTH 89°59'23" EAST 130.00 FEET; THENCE
- 3) NORTH 30°27'30" WEST 90 FEET; THENCE
- 4) SOUTH 89°59'23" WEST 130 FEET, TO THE TRUE POINT OF BEGINNING

CONTAINING 0.27 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

**CONSENT TO ANNEXATION
TO
LEUCADIA WASTEWATER DISTRICT
(Reference: Section 56261, Government Code)**


Each of the undersigned represents that he (she) is the owner of the property described opposite his (her) name and hereby consents to the annexation of said property to the above named district and further consents to the annexation thereof subject to the following conditions:

Payment to the Leucadia Wastewater District of \$ 3,010.00, as a lump sum payable upon initiation of preliminary proceedings of annexation for the right of use of all the existing property, real and personal, of the Leucadia Wastewater District.

Note: Forms must be signed and dated by the property owners.

Date	Name	Address	Property Description or County Assessor's Parcel Number (Attach description if necessary)
11/1/17	Logan Zinser	1481 Hymettus Ave. Encinitas, CA 92024	APN: 254-120-02-00
11/1/17	Rebekah Zinser	1481 Hymettus Ave. Encinitas, CA 92024	APN: 254-120-02-00

- **THERE WILL BE NO OPPORTUNITY FOR REIMBURSEMENT OF SEWER DESIGN OR CONSTRUCTION COSTS FROM LWD.**


 _____ 11/1/17
 NAME Logan Zinser DATE


 _____ 11/1/17
 NAME Rebekah Zinser DATE

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92101

From: (Public Agency): Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

(Address)

Project Title: Zinser Annexation

Project Applicant: Logan & Rebekah Zinser -1481 Hymettus Avenue, Encinitas, CA 92024
(858) 243-8470

Project Location - Specific:
1481 Hymettus Avenue, Encinitas, CA 92024

Project Location - City: Encinitas Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:
Annexation of 0.27 acres, which includes 1 parcel with an existing single-family dwelling and a proposed accessory dwelling unit, to the Leucadia Wastewater District for the purpose of providing sewer service to both dwellings. The parcel is currently on a septic system. APN 254-120-02-00.

Name of Public Agency Approving Project: Leucadia Wastewater District (LWD)

Name of Person or Agency Carrying Out Project: Annex. by LWD, sewer connection by homeowners

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 15319 (a)
Statutory Exemptions. State code number:

Reasons why project is exempt:

The action is exempt in accordance with CEQA Guidelines: 15319, Annexation of Existing Facilities and Lots for Exempt Facilities, Class 19, Section (a). Annexation of property into LWD is for the sole purpose of connecting to the existing sewer system. A private lateral will be extended approximately 50 feet to connect to the existing parcel to the public sewer system.

Lead Agency
Contact Person: Mr. Paul J. Bushee Area Code/Telephone/Extension: 760-753-0155

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: [Handwritten Signature] Date: 2/15/2018 Title: General Manager

[X] Signed by Lead Agency [] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

EXHIBIT "A"

"HYMETTUS AVENUE – ZINSER ANNEXATION"

TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHICAL DESCRIPTION

APN 254-120-02-00

ANNEXATION NO. DA18-05

A PORTION OF LOT 4 IN BLOCK "L" OF SOUTH COAST PARK ANNEX, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1788 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MARCH 29, 1924, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE LAND DESCRIBED IN THE "CHARLES-HYMETTUS AVENUE ANNEXATION" TO THE LEUCADIA WATER DISTRICT (DA12-09), RECORDED AS DOCUMENT 2013-0173368 ON MARCH 19, 2013, BEING ALSO A POINT ON THE CENTERLINE OF HYMETTUS AVENUE AND EOLUS AVENUE AS SAME IS SHOWN ON SAID MAP NO 1788;

THENCE, (1) SOUTH 3° 27' 30" EAST 179.35 FEET TO THE NORTHWEST CORNER OF PARCEL OF LAND TO CHRISTEN SORENSEN AND AAGOT SORENSEN BY DEED RECORDED APRIL 4, 1923 IN BOOK 1471, PAGE 130 OF DEED OF SAID COUNTY AND BEING ALSO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID CENTERLINE, (2) NORTH 89° 59' 23" EAST 155.05 FEET;

THENCE, (3) SOUTH 3° 27' 30" EAST 90 FEET;

THENCE, (4) SOUTH 89° 59' 30" WEST 180.10 FEET, TO WESTERLY SIDELINE OF HYMETTUS AVENUE, BEING ALSO A POINT ON THE EXISTING BOUNDARY OF THE LEUCADIA WASTEWATER DISTRICT,

THENCE ALONG SAID DISTRICT BOUNDARY, (5) NORTH 3° 27' 30" WEST 18.87 FEET,

THENCE CONTINUING ALONG SAID DISTRICT BOUNDARY, (6) NORTH 74° 54' 16" EAST 25.52 FEET TO THE CENTERLINE OF HYMETTUS AVENUE;

THENCE ALONG SAID CENTERLINE, (7) NORTH 3° 27' 30" WEST 64.48 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING .33 ACRES OF LAND MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

