



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

3

AGENDA REPORT
 Consent | Action

April 8, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Linda Zambito, Analyst I

SUBJECT: **Proposed “Eolus Avenue–Ryan Change of Organization” |
 Annexation to the Leucadia Wastewater District (DA18-18)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex approximately 0.69 acres of incorporated territory within its sphere of influence. The affected territory as submitted is developed with a single-family residence and lies entirely within the City of Encinitas. The purpose of the proposal is extend public wastewater service to the affected territory in step with satisfying a permit condition for the landowner to subdivide the subject parcel into two lots and develop a second single-family residence. Staff recommends approval of the proposal with one modification to include 0.06 acres of adjacent public right-of-way on Eolus Avenue. Standard terms are also recommended.

BACKGROUND

**Applicant Request |
 Affected Territory as Proposed**

San Diego LAFCO has received a proposal from Leucadia WWD on behalf of an interested landowner (Ryan) requesting approval to annex approximately 0.69 acres within the District’s sphere of influence. The affected territory comprises one parcel already developed with a single-family residence at 1112 Eolus Avenue in the City of Encinitas. The existing single-

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family residence was built in 1962 and is 1,274 square feet in size with three bedrooms and two bathrooms. The County Assessor’s Office identifies the subject parcel as 254-391-10.

Affected Territory

- One incorporated parcel (0.69 acres in size)
- Developed with a single-family residence located at 1112 Eolus Avenue in Encinitas
- Proposed development to subdivide parcel into two and build second residence
- Currently on septic system



Subject Agencies

The proposed change of organization involves one subject agency: Leucadia WWD.¹ A summary description of Leucadia WWD follows.

- Leucadia WWD 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. (It also provides wholesale recycled water service within portions of its jurisdictional boundary.) 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 wastewater lines that collect and conveys wastewater for treatment and discharge to the Encina Wastewater Authority; a joint-powers authority co-membered by the District and operator of the Encina Wastewater Pollution Control Facility in Carlsbad. LAFCO most recently updated Leucadia WWD’s sphere of influence in 2013 and it includes 547 non-jurisdictional acres. The net position is \$142.556 million as of July 30, 2018 with \$31.955 million – or 22.4% – designated as unrestricted and sufficient to cover 56 months of current operating costs based on 2017-2018 actuals.

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

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries of the following local agencies directly subject to San Diego LAFCO.²

- City of Encinitas
- San Dieguito Water District
- San Diego County Water Authority
- Metropolitan Water District of Southern California
- 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 discretionary modifications – Leucadia WWD’s submitted change of organization proposal to annex the affected territory. 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 the proposal purpose and Commission focus follows.

Proposal Purpose

The purpose of the proposal is to facilitate the extension of public wastewater service to satisfy a permit condition made by the City of Encinitas to subdivide and develop the affected territory to include a second single-family residence.

Development Potential

The affected territory as proposed and detailed in Appendix A is planned for moderate-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 size of 0.33 acres. This assignment allows for the affected territory to be subdivided into one additional parcel. Towards this end, the landowner has initiated plans with Encinitas to subdivide the subject parcel into two lots. The first lot will contain the existing single-family residence and the second will contain a new single-family residence.

Commission Focus

Two central and sequential policy items underlie the San Diego LAFCO’s consideration of the change of organization. These policy items take the form of new determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes as detailed.

² 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 of organization is proposed or ordered.

ANALYSIS

The analysis of the change of organization is organized into two subsections. The first subsection pertains to evaluating the central issues referenced above regarding the timing of the change of organization relative to the factors mandated for review by the Legislature and local policies as well as whether modifications 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 | Change of Organization Timing

The timing of the change of organization appears appropriate and highlighted by the analysis of the dozen-plus factors required for consideration under LAFCO law anytime jurisdictional changes are proposed. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the *receiving* agency, Leucadia WWD (emphasis added). No single factor is determinative and the intent is to provide a uniform baseline for LAFCO in considering all jurisdictional changes in context to the Commission's own adopted policies and practices. A summary of key conclusions generated in the review of these factors follows with a complete analysis provided in Appendix A.

- Service Needs
Annexation of the affected territory to Leucadia WWD would represent a logical and orderly expansion of the District's jurisdictional boundary and wastewater services therein and marked by accommodating a planned development. Additional details on relevant service needs follow.
 - The Commission has previously designated Leucadia WWD as the appropriate long-term wastewater provider for the affected territory through the standing inclusion of the subject land within the District's sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to request Leucadia WWD initiate the proceedings.
 - Annexation of the affected territory to Leucadia WWD 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 long-term land use authority as determined by Commission and marked by the subject lands' standing inclusion in the City's sphere of influence.

- There is an existing need for public wastewater service to accommodate the current and planned residential use within the affected territory 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.
- Service Capacities and Levels

Leucadia WWD has available and sufficient collection and contracted treatment capacities to accommodate projected service demands within the affected territory at its potential maximum uses without expanding any public infrastructure. Additional details on relevant service capacities and levels follow.

 - An existing Leucadia WWD wastewater main is located immediately adjacent to the affected territory within the public right-of-way on Eolus Avenue and accessible through an approximate 100-foot lateral connection.
 - It is projected the maximum average day wastewater demand generated within the affected territory is 860 gallons. This amount represents 0.0013% of the existing available capacity of Leucadia WWD, and as such can be readily accommodated without additional resources or infrastructure planning.
- Service Funding and Costs

Leucadia WWD has the financial resources coupled with administrative controls to provide wastewater services to the affected territory in support of its current and planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Leucadia WWD’s recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 32.3%.

Conclusion | Merits of Change of Organization Timing

The timing of the change of organization and annexation therein of the affected territory to Leucadia WWD is warranted. Justification is marked by the preceding analysis and highlighted by appropriately responding to the need for wastewater service in a developing urban area and reflects available capacities and infrastructure.

Item No. 2 | Merits of Modification and Terms

Staff believes one modification to the submitted change of organization proposal is appropriate and it involves San Diego LAFCO adding the adjacent public right-of-way of Eolus Avenue. This recommendation adds 0.06 acres and captures the existing wastewater main needed to provide service to the affected territory while providing connectivity to District land to the east on Eolus and thereby eliminating a non-jurisdictional corridor. The recommended modification does not have a material effect on the applicant. Applying standard terms also appears appropriate.

Conclusion | Merits of Modifications and Terms

Modifying the proposal to include the adjacent 0.06 acre public right-of-way on Eolus Avenue is appropriate and provides an orderly and uninterrupted boundary for Leucadia WWD going forward. Standard terms are appropriate.

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 any jurisdictional change unless an applicable master agreement applies.³ The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. To this end, San Diego LAFCO has confirmed the County has adopted a master tax exchange applicable to the proposed change of organization. The application of this master agreement will result in a “no” exchange.

Environmental Review

Leucadia WWD serves as the default lead agency for assessing potential impacts of the proposal under CEQA given the District has initiated the change of organization proceedings. Leucadia WWD has determined the action qualifies as a project, but is exempt from further review under State CEQA Guidelines Section 15319(a). Staff finds the more appropriate exemption to file is 15319(b) and cross-reference to Section 15303 appropriately applies given the anticipated subdivision and development allow for maximum density under existing land use policies. Accordingly, staff recommends the Commission assume the lead agency role and make a finding consistent with the preceding analysis.

³ Jurisdictional change is defined under State law to include latent power expansions.

Protest Proceedings

Protest proceeding for the change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law and the subject agency and landowner have provided their respective written consents to the underlying proceedings.⁴ Further, the addition of the adjacent public right-of-way does not trigger protest proceedings under LAFCO law.⁵

RECOMMENDATION

Staff recommends approval of the change of organization proposal consistent with Alternative One as outlined in the proceeding section. Approval provides for planned and orderly annexation and expansion of Leucadia WWD’s wastewater services to the affected territory consistent with needs and capacities.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO 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) Assume lead agency role and determine the project – i.e., annexation of the affected territory to Leucadia WWD – is a project, but exempt from further review under State CEQA Guidelines Section 15319(a) and its cross-reference to Section 15303.
- c) Determine protest proceedings are waived under Government Code Section 56662.
- d) Approve the proposed change of organization – cited in short-form as “Eolus Avenue–Ryan Change of Organization to Leucadia Wastewater District” with one modification to include 0.06 acres of public right-of-way immediately adjacent to subject parcel and authorize the Executive Officer to execute a conforming resolution.
- e) Approval is termed on the following standard conditions being satisfied within 12 months unless a time extension is requested and 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.

⁴ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

⁵ Reference to Government Code Section 56048 and definition of “landowner,” which excludes lands owned by public agencies and used – and among other prescribed purposes – as rights-of-ways.

San Diego LAFCO

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- Payment of any outstanding fees generated in the processing of the proposal pursuant to the LAFCO Fee Schedule as well as any related third-party charges.

Alternative Two:

Continue consideration to the next 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.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO’s agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified.

On behalf of staff,



Linda Zambito
Analyst I

Appendices:

- A) Analysis of Proposal Review Factors

Attachments:

- 1) Vicinity Map
- 2) Application Materials

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

- 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 incorporated and unincorporated areas, during the next 10 years.**

The affected territory includes one incorporated parcel in the City of Encinitas totaling 0.69 acres plus a recommended addition of 0.06 acres of adjacent public right-of-way.⁶ The subject parcel is developed with an approximate 1,274 square foot detached single-family residence with three bedrooms and two bathrooms. The application materials identify the affected territory is currently unoccupied. The current assessed value of the subject parcel – including land and improvements – is \$1,970,000 with the last transaction recorded in March 2018. The affected territory lies within a developing urban-residential area and in a part of the City of Encinitas known as “Leucadia.” Additional moderate-density residential development in the area is expected to continue during the next 10 years consistent with Encinitas’ zoning standards.

- b) **The need for organized community services; the present cost and adequacy of governmental 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. 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 and its existing residential uses is currently dependent on an on-site septic system. The septic system was established in 1962 with the construction of the residence. Connection to the system is readily available through an approximate 100-foot lateral to an existing Leucadia WWD wastewater main located within the adjacent public right-of-way Eolus Avenue. It is projected the average daily wastewater flow for the affected territory at its maximum development use – which includes four units divided between two single-family residences and two accessory

⁶ The subject parcel is located at 1112 Eolus Avenue. The County Assessor’s Office identifies the subject parcel as 254-391-10.

dwelling units - is 860 gallons. This projected amount represents less than 0.0013% of the current 6.45 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD.

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.

Approving the change of organization and annexation therein to Leucadia WWD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in the 1980's when the Commission included the entire area into Leucadia WWD's sphere of influence and signaling the lands would eventually warrant public wastewater service from the District when appropriate.

d) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies/priorities set forth in G.C. Section 56377.

The affected territory is developed as a conforming residential use under the City of Encinitas General Plan. Approving the proposed change of organization would facilitate the establishment of public wastewater services to the existing single-family residence and accessory dwelling unit currently comprising the affected territory, and in doing so support Encinitas' community planning policies. Similarly, approval would be consistent with the Commission's adopted policies to synch urban type uses – which include moderate density residential uses – with urban type services, such as public wastewater. None of the lands qualify as “open-space” under LAFCO law and therefore does not conflict with the provisions outlined under G.C. 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 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.

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

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. Approval would be conditioned on a final map and description confirming to the referenced standards as well as reflect the proposed modification to add the adjacent 0.006 acre public

right-of-way on Eous Avenue if approved by the Commission. The affected territory does not cross lines of assessment.

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

The proposal would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG).

h) The proposal’s consistency with city or county general and specific plans.

The affected territory is entirely designated for relatively moderate-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 as allowed under current zoning.

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

The affected territory lies entirely within the sphere of influence designated for the Leucadia WWD. Additional details are provided in the analysis provided on page 10.

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

Staff provided notice of the proposal to all subject and affected agencies as required under LAFCO law. No written comments were received ahead of preparing this agenda report.

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 Leucadia WWD appears to have established sufficient 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.

- Leucadia WWD’s last audit covers 2017-2018 and shows the District finished with good liquidity levels with an agency-wide current ratio of 9.2 (i.e., \$9.20 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2017-2018 with high capital as evident by a low debt ratio of 4.6% (i.e., only \$4.60 out of every \$100.00 in net assets are financed.)

- Leucadia WWD has remained profitable in each of the last five audited fiscal years with an average total margin of 34.0%. The most recent year – 2017-2018 – the total margin was 44.9%.

The landowners at 1112 Eolus Avenue will pay all required fees and service charges commensurate with Leucadia WWD’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.

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

The affected territory’s existing residential uses are already within and connected to San Dieguito Water District’s domestic water system. Approval of the change of organization would not affect the timely availability of water supplies to the affected territory. Further, no comments on the proposal were received from San Dieguito Water 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 consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the City of Encinitas by the region’s council of governments, San Diego Association of Governments. The boundary change would not affect this assignment.

n) 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 (11 registered voters or less). The landowner supports the annexation underlying the change of organization and has provided their written consent to the proceedings.

o) Any information relating to existing land use designations.

See earlier analysis on page 11.

- p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "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.**
-

There is no documentation or evidence suggesting the proposal will have a measurable effect – positive or negative – with respect to promoting 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 pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.**
-

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

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




Approval of the change of organization would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward. Approval would also benefit adjacent landowners and/or residents by eliminating the operation of a private septic system and the potential therein for failures.

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DA18-18

PROPOSED "EOLUS AVENUE-RYAN CHANGE OF ORGANIZATION" TO LEUCADIA WASTEWATER DISTRICT

-  Proposal Area
 -  Leucadia WWD
 -  Leucadia WWD SOI
- SOI = Sphere of Influence

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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, Ben Ryan (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: 11/28/18

Print/Type Name: Ben Ryan
 Address: 2079 Garnet Avenue, San Diego, CA 92109
 Telephone: () 858-431-6102

Property Address: 1112 Eolus Avenue, Encinitas, CA 92024
 Cross Street(s): E. Glaucus Street
 Assessor Parcel Number(s): 254-391-10-00 Acres: 0.69

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 current parcel contains an existing single-family residence. The owner intends to subdivide the property into two (2) lots. The first lot will then contain the existing single-family residence while the second lot is anticipated to be developed to have a single-family residence. Additionally, the developer will extend the public sewer system by 50' in order to connect the private lateral for the proposed single-family residence.

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 property slopes to the west with vegetation and landscaping. The property is located in Leucadia, north of Leucadia Blvd. and west of Interstate 5.

4. How many residents live within the proposal territory? 0

5. How many of these residents are registered voters? 0

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 - 3 DU / Acre

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

(d) Current City rezoning 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	N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Tentative Parcel Map	18-140 TPM		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Major Use Permit	N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City/County General Plan Amendment	N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
City Rezoning	N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
County Rezone	N/A		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(Other)	N/A		<input type="checkbox"/> YES <input checked="" 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 \$ None

Date _____ Amount \$ _____

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

1. N/A

2. _____

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

Printed Name Ben Ryan

Signature 

Date 11/28/18 Phone 858-431-6102

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 12 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. _____

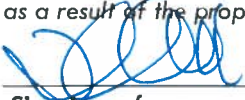
Detachment from: 1. _____
2. _____
3. _____

<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1. <u>11/28/18</u>		<u>254-391-10-00</u>
2. _____	_____	_____
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.

 <hr/> Signature of agency representative	Dexter Wilson, P. E. <hr/> Print name
District Engineer <hr/> Title	11-19-10 <hr/> Date
760-438-4422 <hr/> Telephone	<hr/>

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-\$5,089 per Equivalent Dwelling Unit (EDU) & sewer service fees of \$343.68 per year per EDU for FY2019
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. Yes No

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)? _____
31,945 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? YES NO
- (d) *If yes*, please describe the frequency and volume of incidents that exceeded the agency's peak capacity: _____

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 100 _____ feet.
- (b) Describe the location of the connection to the agency's existing sewer system:
Onsite private sewer lateral will connect to new proposed public sewer on Eolus Ave. _____

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): _____

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. 2306

**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
RYAN 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 Ryan Change of Organization; and

WHEREAS, the proposed Ryan Change of Organization includes annexation of the Ryan territory (*APN 254-391-10-00*) 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 inhabited, 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.

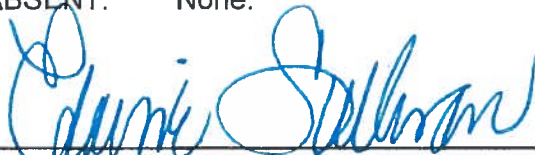
WHEREAS, LAFCO is authorized to approve this proposed Change of Organization without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution 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 November 14th, 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"

RYAN ANNEXATION

ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

All that certain real property, situated in a portion of Lot 10, Block "E" of South Coast Park, 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, described as follows:

Commencing at the centerline intersection of Eolus Avenue (50 feet wide) and Breezeway Drive (32 feet wide) in the City of Encinitas;

Thence, (1) North 15°03'41" West 209.95 feet along the centerline of Eolus Avenue to a point on the easterly prolongation of the southerly line of said Lot 10;

Thence, (2) South 74°56'05" West 25.00 feet to the **True Point of Beginning**, said point also being the southeast corner of said Lot 10, said corner also being a corner of the existing Leucadia Wastewater District Boundary:

Thence, (3) South 74°56'05" West 299.92 feet;

Thence, (4) North 15°02'47" West 100.00 feet;

Thence, (5) North 74°56'05" East 299.89 feet;

Thence, (6) South 15°03'41" East 100.00 feet to the **True Point of Beginning**.

Contains **0.69** 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.

EXHIBIT 'B' ANNEXATION PLAT

APN: 254-391-39

APN: 254-391-38

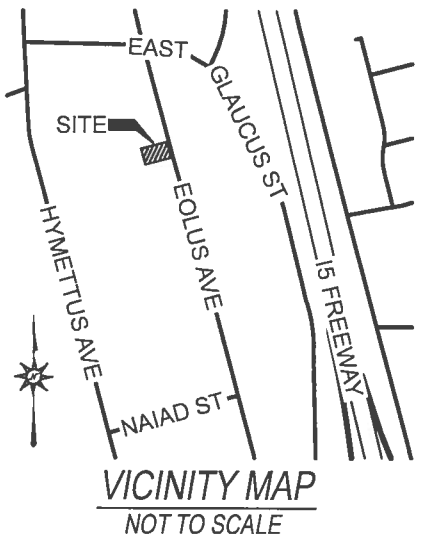
1112 EOLUS AVENUE

APN: 254-391-10

POR LOT 10 · BLOCK 'E' MAP 1788

EOLUS AVENUE

BREEZEWAY DRIVE



APN: 254-391-26

APN: 254-391-32

APN: 254-391-53

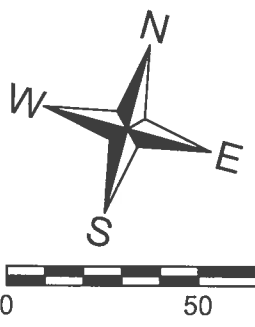
APN: 254-391-54

COURSES:

1. N15°03'41"W 209.95'
2. S74°56'05"W 25.00'
3. S74°56'05"W 299.92'
4. N15°02'47"W 100.00'
5. N74°56'05"E 299.89'
6. S15°03'41"E 100.00'

TRUE POINT OF BEGINNING SE CORNER LOT 10

POINT OF COMMENCEMENT



LEGEND

PROPOSED ANNEXATION BOUNDARY

EXISTING LEUCADIA WASTEWATER DISTRICT BOUNDARY

PROPOSED ANNEXATION REGION

WITHIN LWD SPHERE OF INFLUENCE & OUTSIDE LWD



ASSESSOR'S PARCEL NUMBERS 254-391-10	LAFCO RESOLUTION NO.	ACREAGE 0.69	DATE 8/17/18	SCALE 1"=50'
LWD ANNEXATION NO. _____ BEING A PORTION OF LOT 10, BLOCK "E" OF MAP 1788		PASCO LARET SUITER & ASSOCIATES 535 N. HIGHWAY 101, SUITE A SOLANA BEACH, CA 92075 jn. 2881 TEL: (858)259-8212		

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: Ryan Annexation

Project Applicant: Ben Ryan (858) 431-6102

Project Location - Specific:
 1112 Eolus Avenue, Encinitas, CA 92024

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

Description of Nature, Purpose and Beneficiaries of Project:
 Annexation of 0.69 acres, which includes 1 parcel with an existing single-family dwelling and a proposed lot split with a new single-family dwelling, to the Leucadia Wastewater District for the purpose of providing sewer service to both residences. The parcel is currently on a septic system. APN 254-391-10-00.

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

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

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));
- 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 parcel into LWD is for the sole purpose to connect to the existing sewer public system (sewer). While one residence can connect to the existing sewer, the developer will be required to extend the sewer by 50' to connect the private lateral of the proposed second residence.

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:  Date: 11/29/2018 Title: General Manager

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: _____

**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 **\$3,675.00**, 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)
10/19/18	Ben Ryan	1112 Eolus Avenue Encinitas, CA 92024	APN: 254-391-10-00

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


10/19/18

NAME **DATE**

NAME **DATE**