



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

5C

AGENDA REPORT
 Consent | Action

October 5, 2020

TO: Commissioners

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

SUBJECT: **Proposed “Schirber-Hymettus Avenue Change of Organization” |
 Annexation to the Leucadia Wastewater District (CO20-07)**

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 1.7 acres of incorporated territory within the District’s sphere of influence. The affected territory as submitted includes one assessor parcel developed with a single-family residence in the City of Encinitas. The proposal purpose is to extend public wastewater to the subject parcel and facilitate an intensity improvement to accommodate the development of an accessory dwelling unit. Staff recommends approval with modifications to include 0.5 acres of adjacent public right-of-way along with standard terms and waiver of protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received a proposal from Leucadia WWD on behalf of an interested landowner (Kelly Schirber) requesting approval to annex 1.7 acres of incorporated territory within the District’s sphere of influence. The affected territory as submitted includes one assessor parcel developed with an approximate 2,700 square foot single-family residence with a situs of 858 Hymettus Avenue in the City of Encinitas along with a portion of an adjacent

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public right-of-way. The existing single-family residence was built in 1932 and currently utilizes an onsite underground septic disposal system. The County of San Diego Assessor's Office identifies the subject assessor parcel as 254-331-12.

Affected Territory

The following map shows the approximate location of the affected territory as submitted in relation to the surrounding local area. Attachment One shows the affected territory relative to the proposed boundary change involving the subject agency (Leucadia WWD) and the incorporated territory of the principal affected agency (City of Encinitas).



Subject Agency

The proposed change of organization filed with San Diego LAFCO involves one subject agency: Leucadia WWD.¹ A summary of the subject agency in terms of municipal functions, resident population, and financial standing follows.

- Leucadia WWD is an independent special district formed in 1959 and provides two active municipal functions: wastewater (collection, treatment, and discharge) and limited recycled water (wholesale and retail). Wastewater is Leucadia WWD's primary function and authorized throughout an approximate 15 square-mile jurisdictional boundary with a projected resident service population of 63,000.² The jurisdictional

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

² Leucadia WWD's recycled water function (wholesale and retail) is authorized within approximately 215-acre site developed as a golf course and part of Omni La Costa Resort and Spa. This authorization is drawn from a grandfather determination made by the Executive Officer in January 2020 following receipt of a related request for clarification by Carlsbad MWD.

boundary is divided between two municipalities with the City of Encinitas comprising the southern boundary and the City of Carlsbad comprising the northern boundary. Key wastewater infrastructure includes 218 miles of collection lines that conveys raw 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 undesignated fund balance as of July 30, 2019 totaled \$32.7 million and sufficient to cover 27 months of normal operating costs based on the current budget.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of seven local agencies directly subject to San Diego LAFCO's planning and regulatory responsibilities. These agencies qualify as "affected agencies" relative to the proposed change of organization and listed below.³

- City of Encinitas
- Resource Conservation District of Greater San Diego County (sphere only)
- Metropolitan Water District of Southern California
- San Dieguito Water District
- San Diego County Water Authority
- CSA No. 17 (San Dieguito Ambulance Function)
- CSA No. 135 (Regional Communications Function)

DISCUSSION

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

Proposal Purpose

The stated purpose of the proposed change of organization before San Diego LAFCO is to facilitate an intensity improvement within the affected territory to construct an accessory dwelling unit associated with the existing single-family residence comprising the subject parcel. Approval – specifically – would enable the extension of public wastewater service to the subject parcel and in doing so satisfy a permit condition for the intensity improvement by the City of Encinitas. Leucadia WWD has an existing wastewater main located adjacent to the affected territory within the public right-of-way on Fulvia Street and accessible by a lateral.

³ State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

Development Potential

The City of Encinitas General Plan designates the affected incorporated territory as Residential (R-3) with a matching zoning assignment and prescribe a minimum lot size of 0.33 acres. These existing prescriptions in combination with applicable setback and other ancillary standards allow for additional density to divide the subject parcel up to four residential lots. Additional intensity is also allowed to permit one accessory dwelling unit for each single-family residence.⁴ The combined result of these existing allowances under Encinitas policy is a maximum of eight residential units (i.e. four single family residences and four accessory dwelling units) subject to future approvals by the City.

Commission Focus

San Diego LAFCO's sphere of influence designation for Leucadia WWD includes the affected territory and can readily accommodate the proposed annexation to the District without amendment. This existing sphere determination narrows the Commission's consideration of the proposed change of organization to two central and sequential policy items. These policy items ultimately take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the change of organization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes as detailed.

ANALYSIS

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

Central Policy Items

Item No. 1 |

Change of Organization Timing

The timing of the change of organization involving annexation to the Leucadia WWD for public wastewater service appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal's conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed

⁴ Building permits are required for any accessory dwelling unit along with other ancillary permits (i.e. electrical, plumbing, and/or mechanical). The maximum size of an accessory dwelling unit is 1,200 square feet or up to the size of the primary residences, whichever is less. Each accessory dwelling unit must also have a dedicated parking space unless waived.

annexation on the service and financial capacities of the *receiving* agency, Leucadia WWD (emphasis added). A summary of key conclusions generated from the review of these factors and applicable local policies follow with a complete analysis provided in Appendix A.

- Service Needs

Annexation of the affected territory to Leucadia WWD would represent a logical and orderly expansion of the District’s jurisdictional boundary and public wastewater services therein and marked by accommodating a permitted intensification of an infill residential use. 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 its standing inclusion within the District’s sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to request Leucadia WWD to initiate LAFCO annexation proceedings.
- Annexation of the affected territory to Leucadia WWD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the City of Encinitas. Encinitas is the current and appropriate long-term land use authority as determined by Commission and marked by the subject land’s standing inclusion in the City’s sphere of influence.
- There is a demonstrated present need for public wastewater service to accommodate the current and planned residential use within the affected territory given the alternative would be to maintain an aging private onsite septic disposal system. This alternative – among other items – would counter the Commission’s interest and practice in discouraging private septic disposal 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 planned 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 frontage public right-of-way on Fulvia Street and accessible through an approximate 100-foot lateral connection.
- It is projected the maximum average day wastewater demand generated within the affected territory is 240 gallons per equivalent dwelling units (EDU). The maximum potential EDUs for the affected territory includes eight residential units (i.e. four single family residences and four accessory dwelling units subject to future approvals by Encinitas) is equals to 1,920 gallons of the average daily

wastewater demands. This amount represents 0.001% of the existing available capacity of Leucadia WWD, and as such can be readily accommodated without additional resources or infrastructure planning.

- Leucadia WWD attests sufficient wastewater conveyance and treatment capacity exists to extend service to the affected territory without the need for system improvements or additional infrastructure.
- 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 151%.

**CONCLUSION |
MERITS OF CHANGE OF ORGANIZATION TIMING**

The timing of the change of organization involving 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 public wastewater service in a developing urban area and reflects available capacities and infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

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

Staff believes one modification to the submitted change of organization proposal is appropriate and it involves San Diego LAFCO adding the adjacent frontage public right-of-way surrounding the subject parcel to the centerline of Fulvia Street, Hymettus Avenue, and Leucadia Boulevard. This recommendation expands the annexation by 0.5 acres of public right of way and in doing so eliminates any adjacent non-jurisdictional corridors. The recommended modification does not have a material effect on the applicant and would provide consistency with adjacent roadway territory presently within Leucadia WWD. Applying standard approval terms also appears appropriate. A map of the affected territory with the recommended modification is provided as Attachment One.

CONCLUSION | MODIFICATIONS AND TERMS

One proposal area modification appears warranted, involving expansion of the affected annexation territory surrounding the subject parcel to include 0.5 acres of adjacent public right-of-way on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard and thereby provide a more consistent and orderly Leucadia WWD boundary. Standard approval terms are recommended.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the County of San Diego to adopt a property tax exchange agreement for the subject proposed change of organization or reorganization prior to San Diego LAFCO issuing a Certificate of Filing and scheduling the proposal for hearing, unless an existing master property tax exchange agreement would govern the proposal's exchange. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of affected special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax agreement that will govern the tax exchange for the proposed change of organization. The application of this master tax exchange agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Leucadia WWD.

Environmental Review

Leucadia WWD serves as the 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 independently concurs Leucadia WWD has made an appropriate determination given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure.

Protest Proceedings

Protest proceedings for the proposed change of organization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agency has not filed an objection to the waiver; and all landowners have consented to the underlying action.⁵ Approval of the recommended modification to include the adjacent public right-of-ways would not affect the proposed waiver of protest proceedings.

⁵ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

RECOMMENDATION

Staff recommends approval of the change of organization proposal with modifications as specified along with standard terms. This recommendation is consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO:

Alternative One (recommended):

Adopt the attached draft resolution approving the change of organization proposal with a modification to include the adjacent public right-of-way on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard along with standard terms.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

Disapprove the change of organization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

PROCEDURES FOR CONSIDERATION

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

On behalf of the Executive Officer,



Linda Heckenkamp
Analyst II

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory with Recommended Modification
- 2) Draft Resolution of Approval

APPENDIX A

Government Code Section 56668 Proposal Review Factors

- a) **Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**
-

The affected territory as submitted includes one incorporated parcel in the City of Encinitas totaling 1.7 acres. Staff recommends expanding the affected territory to include approximately 0.5 acres of adjacent public right-of-way. The subject parcel is presently developed with an approximate 2,700 square-foot detached single-family residence with four bedrooms and three bathrooms. The application materials identify the affected territory is currently occupied with one resident. The current assessed value of the subject parcel – including land and improvements – is \$2,805,000 with the last transaction recorded in December 2019. The affected territory lies within a developing urban-residential area and within the portion of the City of Encinitas historically known as Leucadia. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations.

- b) **The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**
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The City of Encinitas serves as the primary purveyor of general governmental services to the affected incorporated territory. These governmental services include community development (planning and engineering), parks and recreation, streets and 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 existing on-site underground septic disposal system. The septic system was initially established in the 1930s and subsequently and presumably repaired as needed to date. Connection to Leucadia WWD is readily available through an approximate 100-foot lateral to an existing wastewater main located within the adjacent public right-of-way on Fulvia Street. The average daily wastewater flow for the affected territory at planned maximum use under current Encinitas zoning is projected at 1,920 gallons

based on accommodating eight residential units (four single-family residences and four accessory dwelling units.) This projected amount represents less than 0.001% of the current 3.100 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.

Approval of the proposed 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 local area within Leucadia WWD's sphere of influence and signaled the lands would eventually warrant public wastewater service from the District when appropriate.

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

Approving the proposed change of organization and annexation to Leucadia WWD would facilitate the extension of public wastewater services to the existing single-family residence currently comprising the affected territory and accommodate a planned accessory dwelling unit. These actions are consistent with existing Encinitas' community planning policies. Similarly, approval would be consistent with the Commission's adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain "open-space" as defined under LAFCO law and no conflicts exists under Government Code Section 56377. Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal.

e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not contain "prime agricultural land" or "agricultural land" as defined under LAFCO law or further prescribed in local Commission policy. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the change of organization proposal and annexation to Leucadia WWD would have no effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. Recommendations by staff to expand the annexation to include adjacent public right-of-way, pertinently, would eliminate the creation of non-jurisdictional corridors.

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

The proposal involves new infill development and would not conflict with San Diego Forward, the regional transportation plan established by the San Diego Association of Governments (SANDAG) for the San Diego Region.

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

The affected incorporated territory is presently designated for moderate-density single-family residential use under the adopted land use policies of the City of Encinitas. The affected territory is zoned as R-3, which prescribes a minimum parcel size of 0.33 acres. The existing and planned residential uses are consistent with the proposal's purpose to provide public wastewater to the existing single-family residence and accommodate the planned addition of an accessory dwelling unit.

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.

Notice of the submitted change of organization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on September 25, 2020.

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

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

- Leucadia WWD’s last audit covers 2018-2019 and shows the District finished with good liquidity levels with an agency-wide current ratio of 8.0 (i.e., \$8.00 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2018-2019 with high capital levels as evident by a relatively low debt ratio of 4.9% (i.e., only \$4.90 out of every \$100.00 in net assets are financed.)
- Leucadia WWD has remained profitable in each of the last three audited fiscal years with an average operating margin of 151%. The most recent year – 2018-2019 – the operating margin was 32.9%.

The landowner of the affected territory is responsible for payment of all required fees and service charges commensurate with Leucadia WWD’s adopted fee ordinance in establishing wastewater services. The wastewater service charge is presently \$346.68 per year. The wastewater rates are fixed and are not based on flow or water usage. Extending wastewater service to the affected territory would not adversely impact existing ratepayers.

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

The affected territory’s existing residential uses are presently within and connected to San Dieguito Water District’s retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed change of organization would not affect the timely availability of water supplies to the affected territory.

m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

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

n) Any information or comments from the landowners, voters, or residents.

The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner supports the proposed change of organization and has provided written consent to the proceedings.

o) Any information relating to existing land use designations.

See above analysis for (h).

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

As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed change of organization does not include locating new public facilities and the proposed provision of public services would be limited to the existing single-family residence and proposed accessory dwelling unit. Approval of the proposed change of organization is not anticipated to affect the promotion of environmental justice.

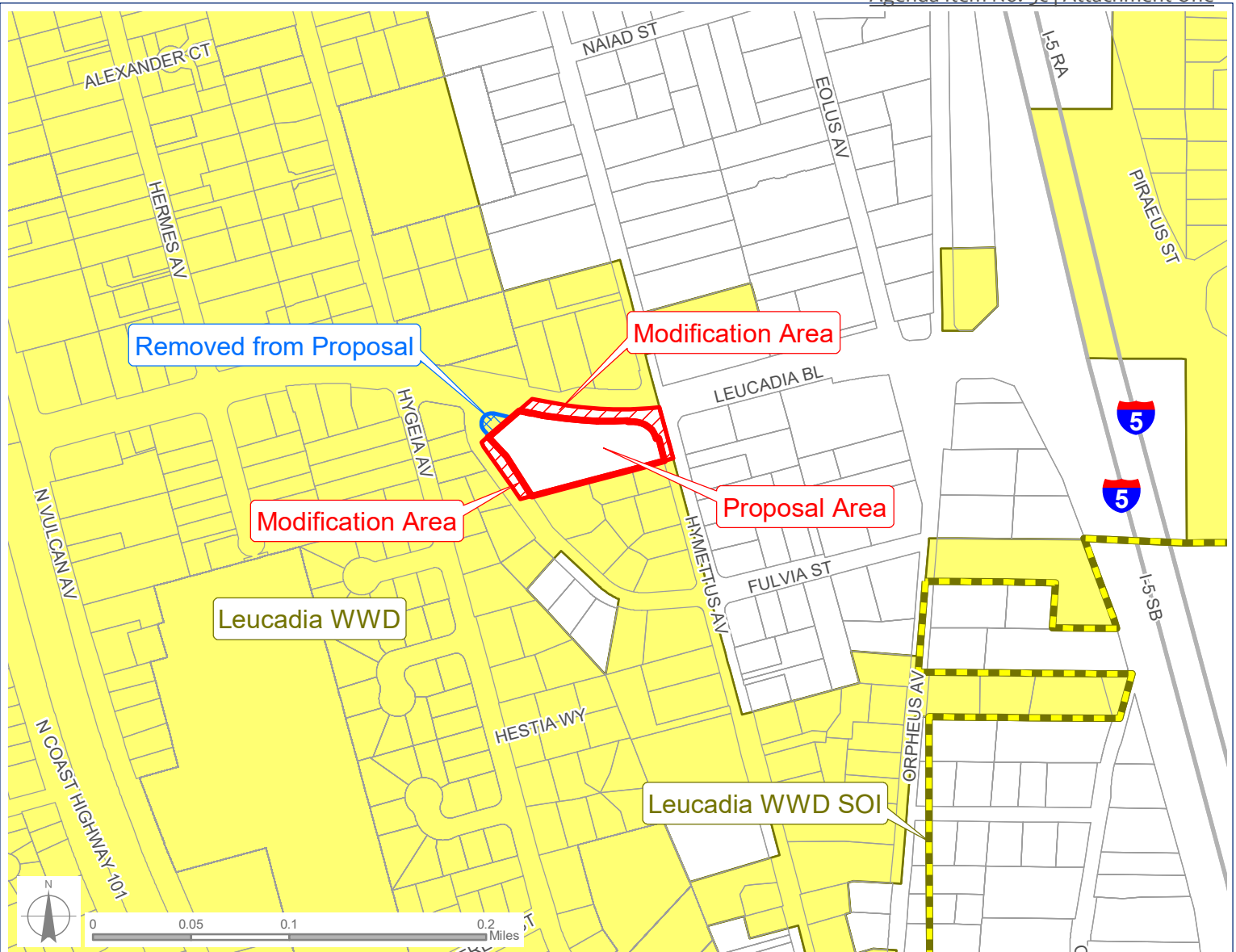
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The City of Encinitas General contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies inside an area prone to 100-year frequency storm events which may cause flooding.

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

Approval of the 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 heighten potential therein for future failures.






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CO20-07

PROPOSED "SCHIRBER - HYMETTUS AVENUE CHANGE OF ORGANIZATION" TO LEUCADIA WASTEWATER DISTRICT

SOI = Sphere of Influence

-  Proposal Area
-  Modification Area
-  Removed from Proposal
-  Leucadia WWD
-  Leucadia WWD SOI



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Local Agency Formation Commission
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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“SCHIRBER-HYMETTUS AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT
LAFCO FILE NO. CO20-07**

WHEREAS, on April 7, 2020, Leucadia Wastewater District filed a resolution to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to annex approximately 1.7 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one incorporated assessor parcel developed with an existing single-family residence identified by the County of San Diego Assessor’s Office as 254-331-12; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated December 14, 1982; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposed change of organization and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on October 5, 2020; and

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

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

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

2. At the public meeting, the Commission considered the Executive Officer's report.
3. Leucadia Wastewater District serves as the 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) given the affected territory contains existing private structures consistent with the applicable zoning and there is no corresponding need for an expansion of public infrastructure. The Commission serves as the responsible agency and independently concurs Leucadia WWD has made an appropriate determination.
4. The Commission APPROVES the change of organization with a discretionary modification as described below and subject to conditions as provided. Approval involves all of the follow:
 - a) The affected territory is modified to include the adjacent incorporated public right-of-way to the centerline on Fulvia Street, Hymettus Avenue, and Leucadia Boulevard totaling 0.5 acres.
 - b) Annexation of the affected territory as modified to the Leucadia Wastewater District is shown in "Exhibit A-1" and described in "Exhibit A-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by October 5, 2021 unless an extension is requested in writing and approved by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation:

"Schirber - Hymettus Avenue Change of Organization"

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
8. The Commission waives conducting authority proceedings under Government Code Section 56662.
9. The Leucadia Wastewater District is a registered-voter district.
10. The Leucadia Wastewater District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Leucadia Wastewater District as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on October 5, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT B
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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