



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

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AGENDA REPORT
 Consent | Action

February 6, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Carolanne Ieromnimon, Analyst I

SUBJECT: **Proposed “Stits-Eolus Avenue Change of Organization” |
 Annexation to the Leucadia Wastewater District (CO22-13)**

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 0.84 acres of incorporated territory within its sphere of influence. The affected territory as submitted comprises one legal parcel in the City of Encinitas presently developed with a single-family residence along with a portion of the adjacent public right-of-way. The purpose of the proposal is to accommodate an urban lot split and construction of an additional single-family residence under Senate Bill 9 (Home Act). Staff recommends conditional approval of the proposal as submitted. It is also recommended the Commission waive protest and make an exemption finding as responsible agency under the California Environmental Quality Act.

BACKGROUND

Applicant Request

San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowner – Kimberly Stits– requesting approval to annex approximately 0.84 acres of incorporated territory within the City of Encinitas. The affected territory as submitted includes one entire 0.70-acre parcel currently developed with a 3,005 square foot

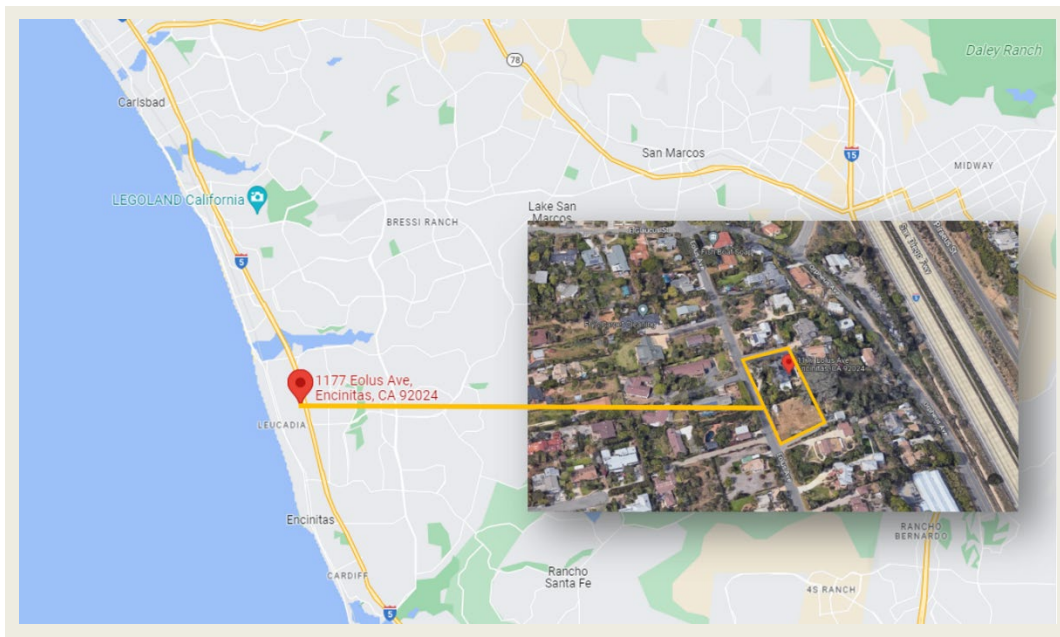
<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vacant Cities Selection Committee</p> <p>Vacant Cities Selection Committee</p> <p>Kristi Becker, Alt. City of Solona Beach</p>	<p>Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David A. Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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single-family residence at 1177 Eolus Avenue with the remainder involving a portion of the public right-of-way to the centerline. The residence was built in 1974 and presently served by a conventional onsite septic system consisting of an underground tank and drain field. The annexation request is specific to connecting to Leucadia WWD’s public wastewater system. The County Assessor’s Office identifies the subject parcel as 254-382-18.

A vicinity map showing the affected territory relative to the current Leucadia WWD jurisdiction is provided as Appendix A.

Regional Setting

The affected territory is located within the City of Encinitas in its northern and largely residential “Leucadia” neighborhood, west of Interstate 5, east of State Highway 101, and south of Batiquitos Lagoon. Principal access is provided by Leucadia Boulevard to the south via Eolus Avenue. The affected territory lies within County Supervisorial District No. 3 (Terra Lawson-Remer), Assembly District No. 77 (Tasha Boerner Horvath), and Senate District No. 38 (Catherine Blakespear). Elevation ranges from sea-level to 410 feet above sea level. An aerial map of the affected territory and its regional setting follows.



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 governance, resident population, municipal functions, and financial standing follows.

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

- **Leucadia WWD** is an independent special district governed by a five-member board with members appointing among their ranks a president to preside over meetings. An appointed general manager oversees day-to-day activities. Leucadia WWD was formed in 1959 with a current jurisdictional boundary spanning 9,600 acres or 15 square miles. The jurisdictional boundary is generally divided between the City of Carlsbad on the north and the City of Encinitas on the south with an overall projected District population of 60,773. Leucadia WWD currently provides two active municipal functions: wastewater (collection, treatment, and discharge classes) and recycled water (wholesale and retail classes), with the latter being geographically restricted.^{2 3} LAFCO most recently updated Leucadia WWD’s sphere in 2013 with a larger-than-agency designation that includes 547 non-jurisdictional acres. The most recently prepared audit shows Leucadia WWD’s net position at \$146.4 million as of June 30, 2022. This accrued amount reflects an overall three-year change of (0.41%) and includes an unrestricted portion of \$23.2 million that adjusts to \$24.2 million less retiree obligations. The balance sheet separately shows Leucadia WWD’s General Fund ending the period with an unrestricted balance of \$7.95 million, which equates to covering 12 months of recent actual costs.

Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of 10 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 for noticing purposes and listed below.⁴

- County Service Area No. 17 (San Dieguito)
- County Service Area No. 135 (Communications)
- City of Encinitas
- Metropolitan Water District of Southern California
- North County Cemetery District
- Resource Conservation District
- Olivenhain Municipal Water District
- San Diego County Water Authority
- San Diego County Flood Control District
- San Diego County Street Lighting District

The affected territory also lies within the following school and college districts, and accordingly receive notice of the proposal: Encinitas Elementary Union; San Dieguito High Union; and Mira Costa Community College.

² Key wastewater infrastructure includes 218 miles of collection lines that convey 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.

³ Leucadia WWD’s recycled water function (wholesale and retail) is authorized within an approximate 215-acre site currently developed as a golf course and part of the 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 Municipal Water District.

⁴ 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.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications to the physical footprint – the change of organization proposal to annex the affected territory to 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, development opportunities, and Commission focus follows.

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to authorize wastewater services within the affected territory from Leucadia WWD and in doing so, accommodate a planned and otherwise probable lot division and construction of a second single-family residence. The timing of proposal follows the landowner’s own decision-making to prepare ahead of a probable urban lot split under the streamlining process now available under Senate Bill 9, which became effective January 1, 2022.⁵

Development Opportunities

The City of Encinitas General Plan designates the affected territory as Residential (R-3) along with a matching zoning assignment. The zoning assignment provides a minimum parcel size of 0.33 acres. This provides a maximum potential density of two parcels within the affected territory. The zoning assignment also allows each developed single-family residential parcel to construct one accessory dwelling unit.

Commission Focus

San Diego LAFCO’s current sphere of influence designation for Leucadia WWD includes the affected territory and can readily accommodate the proposed annexation 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 modifications or terms are appropriate. The Commission must also consider other relevant statutes in and outside LAFCO law 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 relative to both statutory and local policy considerations. The second subsection considers other germane issues and highlighted by applicability under the California Environmental Quality Act (CEQA).

⁵ No other municipal service establishments are proposed given the affected territory is presently located within the City of Encinitas and accordingly receives a range of public services therein, including community planning, fire, police, roads, and parks. It also lies within the Olivenhain Municipal Water District.

Central Policy Items

Item No. 1 | Change of Organization Timing

San Diego LAFCO’s consideration of the proposed change of organization’s timing draws on analyzing baseline factors required in statute as well as applicable policies set by the Commission. Most of the baseline factors in statute focuses on disclosing and otherwise addressing compatibility issues with external goals and policies of other State, regional, and local agencies as well as assessing the ability of subject agencies providing services going forward.⁶ Applicable local policies prompted for consideration are headlined by L-107 and its attention to disclosing and/or addressing any known or perceived jurisdictional disputes.

Analysis of these two related timing factors follows.

- Timing Factor No. 1:
Baseline Considerations: Regional Policies + Service Relationships

State law prescribes the mandatory consideration of certain and multifaceted factors anytime LAFCOs consider jurisdictional changes. These factors range in substance from disclosures – such as the affected territory’s current land uses, assessed values, register voter counts, and so on – to discretionary analyses. This latter category is highlighted by evaluating the proposed annexation’s relationship to community needs as well as the service capacities and related financial resources of the subject agencies. A summary of key conclusions generated in reviewing these discretionary matters for the proposed change of organization regarding (a) service needs, (b) service availability and capacities, and (c) related financial considerations follow.

- With respect to **service needs**, the affected territory’s present and planned residential uses within a developed incorporated area provides a clear basis for receiving multiple municipal services when the timing is right – including wastewater. The Commission has previously designated Leucadia WWD as the ultimate wastewater service provider for the affected territory through the standing inclusion in the sphere. Annexation to Leucadia WWD memorializes this existing Commission expectation and accommodates the expressed interest of the current landowner as evident by their request to Leucadia WWD to initiate LAFCO proceedings. Accommodating wastewater connections in developed and/or developing urban areas serves as a preferred policy substitute to the private operation and maintenance of septic systems and their elevated risks to the local community and groundwater basins.

⁶ Reference to Government Code Section 56668.

- With respect to **service availability and capacities**, Leucadia WWD has established public wastewater services in proximity to the affected territory with the closest connected neighboring property approximately 210 feet to the south at 1117 Eolus Avenue. Physical access to the collection system is readily available in the public right-of-way on Eolus Avenue accessible through an approximate 50-foot private lateral connection. No extension of the public wastewater main is required to accommodate service. It is projected the maximum average day wastewater flow generated within the affected territory in the near-term via two dwelling units (one single-family residence and one accessory dwelling) is 444 gallons.⁷ This projected amount can be readily accommodated by Leucadia WWD and represents 0.014% of its available treatment capacity remaining within its wastewater system based on recent demands.⁸ Ultimate buildout based on current zoning involves a total of four units (two single family residences and two accessory dwellings) and would notionally increase the maximum average day demand to 888 gallons and take up 0.03% of the available and remaining daily contracted capacity allocated to Leucadia WWD. These projected demands can be readily accommodated without additional public resources.
- With respect to **related financial considerations**, Leucadia WWD has adequate financial resources and administrative controls to provide wastewater service to the affected territory without impacts to current ratepayers. The most recent audited statements show Leucadia WWD’s finished 2021-2022 with high and otherwise healthy liquidity and capital levels based on a current ratio of 79 to 1 and debt ratio of 4.4%, respectively. Leucadia WWD also finished with positive total margins in each of the last three years with an overall period average of 33.4%. Leucadia WWD last performed a rate study in 2018 in step with informing current wastewater charges, which include a one-time connection fee of \$5,089 per EDU as well as an annual usage charge of \$416 per unit.
- Timing Factor No. 2:
Consideration of Policy L-107

San Diego LAFCO adopted L-107 in May 2010 to require all applicants to disclose jurisdictional disputes or related items that are associated with their proposal filings. If applicable, and unless waived by the Executive Officer, the policy requires applicants and/or their representatives to consult with opponents to resolve any known issues – concerns, disputes, etc. – before the item is formally considered by the Commission.⁹ If an agreement is reached through the consultation process, the policy states the Commission shall consider the provisions as part of the application. If an agreement is not reached despite exhausting good-faith efforts, the policy states the Commission shall proceed to consider the application as submitted.

⁷ Based on a per unit daily demand estimate of 222 gallons.

⁸ Current available capacity assigned to Leucadia WWD is 3.1 million gallons.

⁹ The Executive Officer retains discretion to determine the extent of consultation needed

No jurisdictional disputes have been disclosed by Leucadia WWD in filing the reorganization proposal with LAFCO. LAFCO staff, similarly, has not identified any disputes or related concerns involving other local agencies in the administrative review.

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

The timing of the change of organization involving the annexation of the affected territory to Leucadia WWD is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by appropriately syncing to an existing and increasing need for public wastewater within an urban area through readily accessible public infrastructure and capacities. Annexation also – notably – serves to accommodate the Legislature’s interest in increasing the local housing supply through the streamlining processes established under Senate Bill 9, which is directly connected to the timing of the proposal. Additional analysis supporting the conclusion is provided in Appendix B.

Item No. 2 |

Modifications and Terms

No physical modifications to the submitted change of organization have been identified by San Diego LAFCO staff meriting Commission consideration at this time. This includes noting annexation of the affected territory to Leucadia WWD would not result in any unserved corridors or other boundary irregularities. Staff is recommending applying standard terms of approval under Government Code Section 57302 along with incorporating the requested terms included in Leucadia WWD’s resolution of application, which are provided as Attachment Two and include the annexed property being subject to capacity fees, sewer service fees and all other District-wide Ordinances and Resolutions.

**CONCLUSION |
MODIFICATIONS AND TERMS**

No modifications to the proposed change of organization appear merited as detailed. Standard approval terms are recommended along with incorporating all requested terms forwarded by Leucadia WWD.

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 San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The

associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master agreement to govern the tax exchange for the proposed change of organization. The master agreement specifies no transfer of property taxes would occur following the annexation of the affected territory to Leucadia WWD.

Environmental Review

Leucadia WWD’s initiating actions involving the proposal require it to assess potential impacts and specifically the annexation and extension of public wastewater service to the affected territory as lead agency under CEQA. In this role as lead agency, Leucadia WWD has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). Staff independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current 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 the landowners have consented to the underlying action.¹⁰

RECOMMENDATION

Staff recommends approval of the change of organization proposal as submitted along with standard terms. This recommendation is consistent with the action outlined as 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 conditionally approving the proposal as submitted (without modifications) along with making required findings under CEQA. Protest proceedings would also be waived.

Alternative Two:

Continue consideration to the next regular meeting.

¹⁰ LAFCO law defines uninhabited as territory in which less than 12 registered voters reside.

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.

VI. 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,



Carolanne Ieromnimon
Analyst I

Appendices:

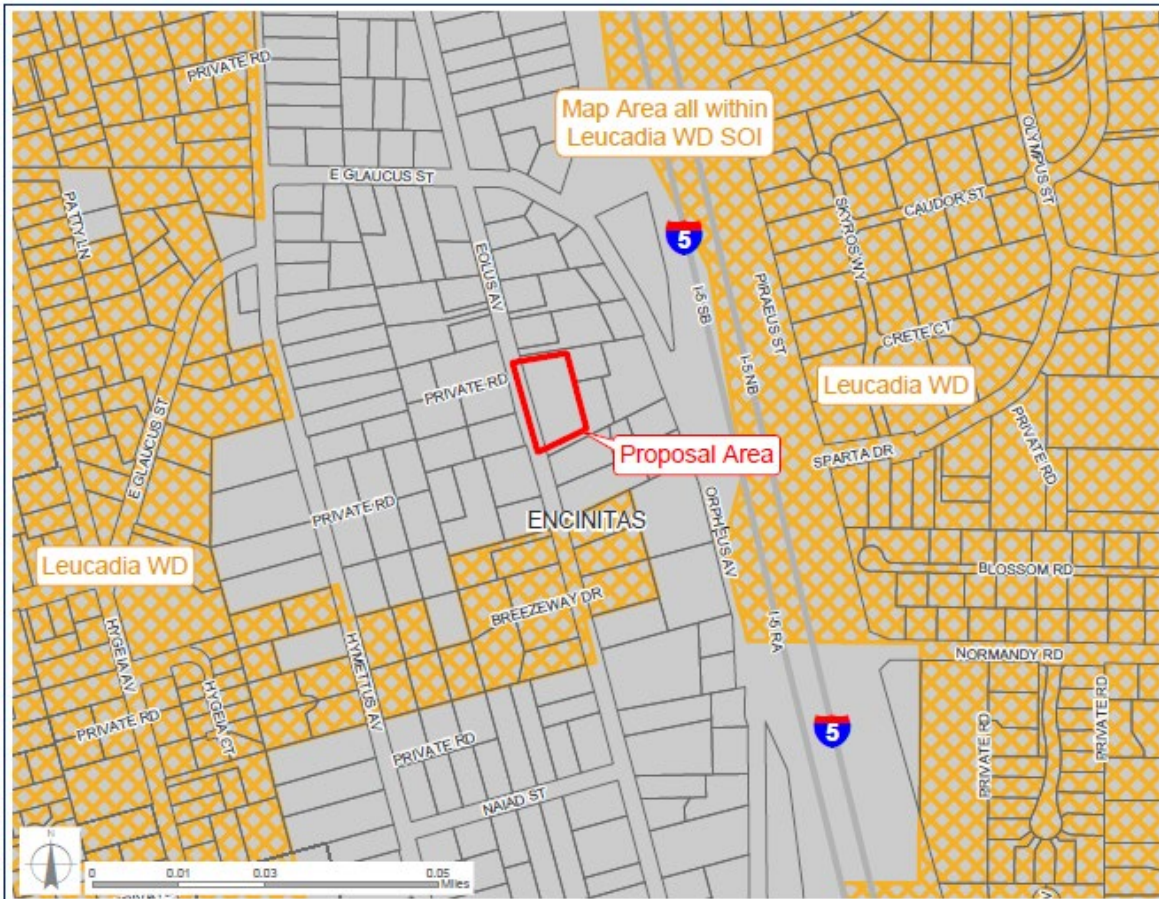
- A) Map of the Affected Territory
- B) Analysis Boundary Change Factors

Attachments:

- 1) Draft LAFCO Resolution of Approval
- 2) Resolution of Application from Leucadia WWD

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APPENDIX A Vicinity Map of the Affected Territory



CO22-13 "STITS - EOLUS AVENUE CHANGE OF ORGANIZATION" | ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

- Proposal Area
- Leucadia WD
- Leucadia WD SOI

SOI = Sphere of Influence

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APPENDIX B
Government Code Section 56668
Mandatory 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, in the next 10 years.**

The affected territory as submitted includes one entire parcel currently developed with an unoccupied single-family residence. The subject parcel is approximately 0.7 acres in size and located at 1177 Eolus Avenue in the City of Encinitas. Additional residential density development (density and intensity) is expected within the surrounding area over the next 10 years consistent with the graduate transition of large residential estates to more dense residences consistent with current zoning, which provides minimum lot sizes of 0.33 acres. Total assessed land value (excludes improvements) of the subject parcel is \$208,888 with the last transaction recorded in December 2015 .

- b) **The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

The City of Encinitas serves as the primary purveyor of general governmental services to the affected territory. These governmental services include community planning, roads, lighting, and public safety (police and fire protection). Other pertinent services involve retail water service from the San Dieguito Water District. 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 use are currently dependent on a conventional onsite underground septic disposal system. Following annexation, the existing septic system would be backfilled and abandoned as part of the connection to Leucadia WWD's wastewater system. Connection to Leucadia WWD is readily available through an approximate 50-foot lateral to an existing wastewater main located within the public right-of-way on Eolus Avenue. The projected average maximum daily wastewater flow for the affected territory in the near term to accommodate two units (two single-family residences) is 444 gallons. This projected amount represents 0.014% of the current 3.1 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD through the Encina Wastewater Authority. Ultimate buildout of the subject parcel under current zoning would increase the total number of units to four (two single-family residences and two accessory dwelling units) and raise the maximum average day demand to 888

gallons and take up 0.03% of the available/remaining capacity.

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 strengthen existing economic and social ties between the District and the affected territory that tie back to LAFCO placing the lands within the District sphere of influence. This existing designation signals the explicit policy expectation of the lands meriting wastewater services from Leucadia WWD when the timing is separately deemed appropriate and orderly.

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 affected territory and accommodate an existing single-family residence and the probable construction of a second single-family residence as part of an anticipated urban lot split under Senate Bill 9. 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 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 presently contain "prime agricultural land", or "agricultural land" as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the proposal and annexation to Leucadia WWD – would not adversely affect the physical or economic well-being 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 that appears consistent with the standards of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on approval of the map and geographic description by the County Assessor’s Office and address any modifications enacted by the Commission.

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

The proposed change of organization would extend wastewater service to one existing single-family residences and the probable construction of a second unit. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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. Extending public wastewater services to accommodating a planned second unit is consistent with the City General Plan and Zoning Ordinance.

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. Annexation is consistent with this existing designation.

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 subject agencies as required under LAFCO law. Notices were also provided to all local college and school districts. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 30, 2023.

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 2021-2022 and shows the District finished with high liquidity levels with an agency-wide current ratio of 79 (i.e., \$79.00 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2021-2022 with high capital levels and marked by a low debt ratio of 2.5% (i.e., only \$2.50 out of every \$100.00 in net assets are financed.)
- Leucadia WWD finished 2021-2022 with an overall total margin of 31.6%.

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 Olivenhain Municipal Water District retail domestic water system with wholesale supplies provided by the San Diego County Water Authority and Metropolitan Water District of Southern California. 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 annexation to the Leucadia WWD 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 landowners support the proposed change of organization and have 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.

The change of organization is intended to replace an aging septic system and make available public wastewater service to the affected territory and accordingly serves to promote environmental justice through additional accountability for all residents - including groups that have been historically marginalized and/or susceptible to pollution burdens and their effects. This latter category – notably – consists of low-income communities, communities of color, tribal nations, and other disadvantaged groups. Consideration of existing environmental justice factors within the affected territory draw on staff analyzing data available from the California Environmental Protection Agency through its online assessment tool (CalEnviroScreen 4.0). Two composite percentile rankings for the affected territory are generated within this analysis and involves (a) pollution burdens and (b) susceptible population to pollution burdens relative to all census tracts in California and are shown in the proceeding tables.

Census Tract 6073017601	
Pollution Burdens and Susceptible Population	
Table 2.6a (Source: California Environmental Protection Agency and SD LAFCO)	
Factor	Census Tract 6073017601 + Surrounding Lands
No. of Census Tracts	1
Estimated Population	5,584
Pollution Burden	Weighted Percentile
... Composite Score	52.52
... Percentile	1.55
Indicator Air Quality: Ozone	32.15
Indicator Air Quality: PM 2.5:	40.85
Indicator Air Quality: Diesel PM:	50.55
Indicator Pesticides:	59.14
Indicator Toxic Releases:	18.44
Indicator Traffic:	81.39
Indicator Drinking Water Contaminants:	30.62
Indicator Lead in Housing:	12.35
Effects Cleanup Sites:	0.00
Effects Groundwater Threats:	92.48
Effects Hazardous Waste:	31.38
Effects Impaired Water:	66.74
Effects Solid Waste:	52.90
Sensitive Population	Weighted Percentile
... Percentile	0.37
Population Asthma:	2.54
Population Low Birth Weight:	4.36
Population Cardiovascular Disease:	9.07
Population Education:	10.31
Population Linguistic Isolation:	5.64
Population Poverty:	6.08
Population Unemployment:	0.00
Population Housing Burden:	24.46

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

- r) 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.**
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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.

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“STITS-EOLUS AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT (CO22-13)
LAFCO FILE NO. CO22-13**

WHEREAS, on October 3, 2022, Leucadia Wastewater District (WD) 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 0.84 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one legal parcel that is developed with a single-family residence and identified by the County of San Diego Assessor’s Office as 254-382-18; and

WHEREAS, the affected territory as proposed also includes a portion of the public right of way on Eolus Avenue to the center line; 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 February 6, 2023; and

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

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

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.
2. At the public meeting, the Commission considered the Executive Officer's report.
3. The Commission serves as responsible agency for environmental review of the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings follow.
 - a) Leucadia Wastewater District serves as lead agency under CEQA for assessing potential impacts of the proposal and specifically the concurrent annexation of the affected territory to the Leucadia Wastewater District. In this role as lead agency, Leucadia Wastewater District has made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15319(a). The Commission independently concurs this exemption appropriately applies given the affected territory contains an existing private structure developed to the density allowed by current zoning and there is no corresponding need for an expansion of public infrastructure.
4. The Commission APPROVES the change of organization without modifications as described below and subject to conditions as provided. Approval involves all of the following:
 - a) Annexation of the affected territory 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 February 6, 2024 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 Exemptions 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:
"Stits-Eolus 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 districts.
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 transmit 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 February, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

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EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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LEADERS IN
ENVIRONMENTAL
PROTECTION

BOARD OF DIRECTORS
Judy Hanson, President
Elaine Sullivan, Vice President
Matthew S. Brown, Director
Donald F. Omsted, Director
Chris Roesink, Director
Paul J. Bushee, General Manager

Ref: 23-8196

September 29, 2022

San Diego LAFCO
2550 Fifth Avenue, Suite 725
San Diego, CA 92103

Dear Mr. Simonds:

The Leucadia Wastewater District requests that the San Diego County LAFCO take proceedings for the proposed *Stits* Change of Organization. The proposed Change of Organization relates to the annexation of a property into the Leucadia Wastewater District.

The following materials are submitted pursuant to this request:

1. Completed LAFCO Application
2. Certified District Resolution of Application (Resolution No. 2383 included)
3. Metes and Bounds and Parcel/Plat Map
4. CEQA Notice of Exemption
5. LAFCO Processing Fee in the amount of \$6,405.00

Thank you for your attention to this matter. If you have any questions, please contact me at (760) 753-0155.

Best regards,

A handwritten signature in blue ink, appearing to read "Paul J. Bushee", is written over the typed name.

Paul J. Bushee,
General Manager

Cc: File

**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, Kimberly Stits (the applicant), and/or the _____ (real party in interest): subject landowner and/or registered voter agrees 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 San Diego LAFCO's review, 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, expert witness fees and other costs of defense, damages, costs, and expenses, including attorney fees payable to another party. Applicant and/or real party in interest agree that San Diego LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest and that San Diego LAFCO's taking such action does not limit the obligations to indemnify and reimburse San Diego LAFCO's defense costs. This defense and indemnification obligation shall apply whether or not there is concurrent passive or active negligence on the part of the San Diego LAFCO, its agents, officers, attorneys, or employee. 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: 6-28-22

Print/Type Name: Kimberly J Stits

Address: 1177 Eolus Ave Encinitas CA 92024

kimccdesign@gmail.com Telephone: (760) 533-8006

Property Address: 1177 Eolus Ave Encinitas, CA 92024

Cross Street(s): East Glaucus Street

Assessor Parcel Number(s): 254-382-18-00 Acres: 0.841

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

Name: _____

Address: _____

Telephone: () _____

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.). _____

Lot with existing single family residence to be split (SB9) to create a new parcel.

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. _____

One existing SFD on parcel.

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 existing property is located west of the I-5 freeway, north of Leucadia Blvd.,

South of Glaucus Street

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.sdlafoo.org/forms/Legislative_Policy_L_107.pdf)

B. LAND USE INFORMATION

GENERAL PLAN AND ZONING:

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

1. COUNTY:

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

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

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

2. CITY:

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

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

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

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

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

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

(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. _____

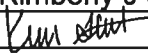
(c) Date and amount of contribution:

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 Kimberly J Stits
Signature 
Date 6-28-22 Phone 760-533-8006

To be completed by LAFCO:
Proposal:
Ref. No.

DISCLOSURE OF POLITICAL EXPENDITURES

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

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

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

EVALUATION CHECKLIST FOR DISCLOSURE OF POLITICAL EXPENDITURES

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

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

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

Date of contribution _____ Amount \$ _____

Name/Ref. No. of LAFCO proposal _____

Date proposal submitted to LAFCO _____

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

Yes

No

PROPERTY-OWNER CONSENT FORM FOR INCLUSION OF PROPERTY

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

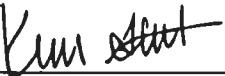
¹ Territory included within a proposed boundary change that includes less-than 1/2 registered voters is considered *uninhabited* (Government Code 56045).

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

(Please list all proposed actions)

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

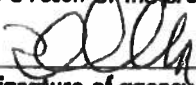
Detachment from: 1. _____
2. _____
3. _____

<u>Date</u>	<u>Signature</u>	<u>Assessor's Parcel Number(s)</u>
1. 6-28-22		254-382-18-00
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.

 Dexter Wilson
Signature of agency representative Print name
District Engineer
Title
(760)438-4422 8/8/22
Telephone Date

A. JURISDICTIONAL INFORMATION:

Name of agency:

Leucadia Wastewater District

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

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

B. SEWER SERVICE:

1. What is the agency's current wastewater treatment capacity (expressed in million gallons per day and equivalent dwelling units)? 31,945 EDUs

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? 2 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):

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

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

8. (a) The distance for connection of the proposal territory to the agency's existing sewer system is 50 feet.
(b) Describe the location of the connection to the agency's existing sewer system:
Onsite private sewer lateral will connect to public sewer in street.

C. WATER SERVICE:

1. (a) Does the subject agency have adequate water supply and sufficient contractual and/or operational capacity available to serve the proposal territory? YES NO
- (b) *If yes*, describe the proposal territory's estimated water demand and the agency's available water supply and capacity (expressed in acre-feet or million gallons per day):

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

2. Specify any improvements (on and off-site) that will be necessary to connect and serve the anticipated development. Indicate the total cost of these improvements and method of financing (e.g., general property tax, assessment district, landowner or developer fees): _____

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. 2383

**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
STITS 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 Stits Change of Organization; and

WHEREAS, the proposed Stits Change of Organization includes annexation of the Stits territory (*APNs 254-382-18-00*) 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 September 14th, 2022 by the following vote:

AYES: Hanson, Sullivan, Brown, Roesink, Omsted
NOES: None
ABSTAIN: None
ABSENT: None



Judy Hanson, President

ATTEST: 

Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"
STITS ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN PROPERTY, SITUATED IN A PORTION OF LOT 4 IN BLOCK F OF SOUTH COAST PARK ANNEX, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON MARCH 29, 1924 AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF EOLUS AVENUE AND GLAUCUS STREET AS SHOWN ON SAID MAP 1788; THENCE

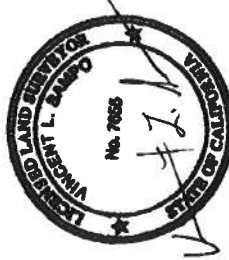
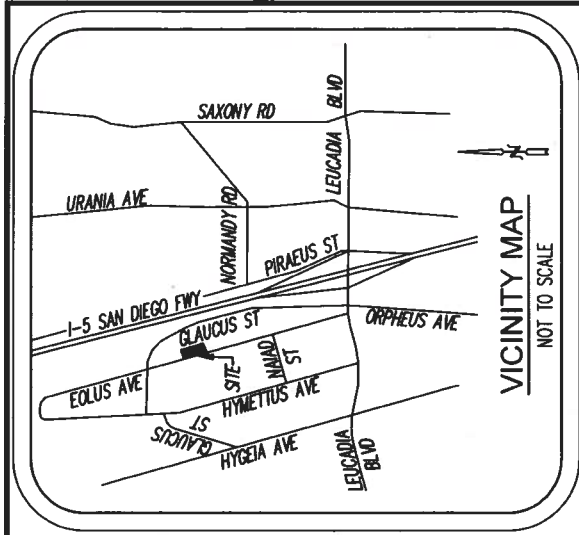
1. SOUTH 15°43'30" EAST 554.91 FEET ALONG THE CENTERLINE OF SAID EOLUS AVENUE TO THE NORTHWESTERLY CORNER OF SAID PORTION OF LOT 4 BEING THE TRUE POINT OF BEGINNING; THENCE
2. NORTH 80°16'30" EAST 150.50 FEET; THENCE
3. SOUTH 15°43'30" EAST 222.90 FEET; THENCE
4. SOUTH 63°34'50" WEST 152.32 FEET TO SAID CENTERLINE OF EOLUS AVENUE; THENCE
5. NORTH 15°43'30" WEST 266.90 FEET ALONG SAID CENTERLINE OF EOLUS AVENUE TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.841 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"
 LWD SEWER ANNEXATION
 STITS - EOLUS AVENUE CHANGE OF ORGANIZATION

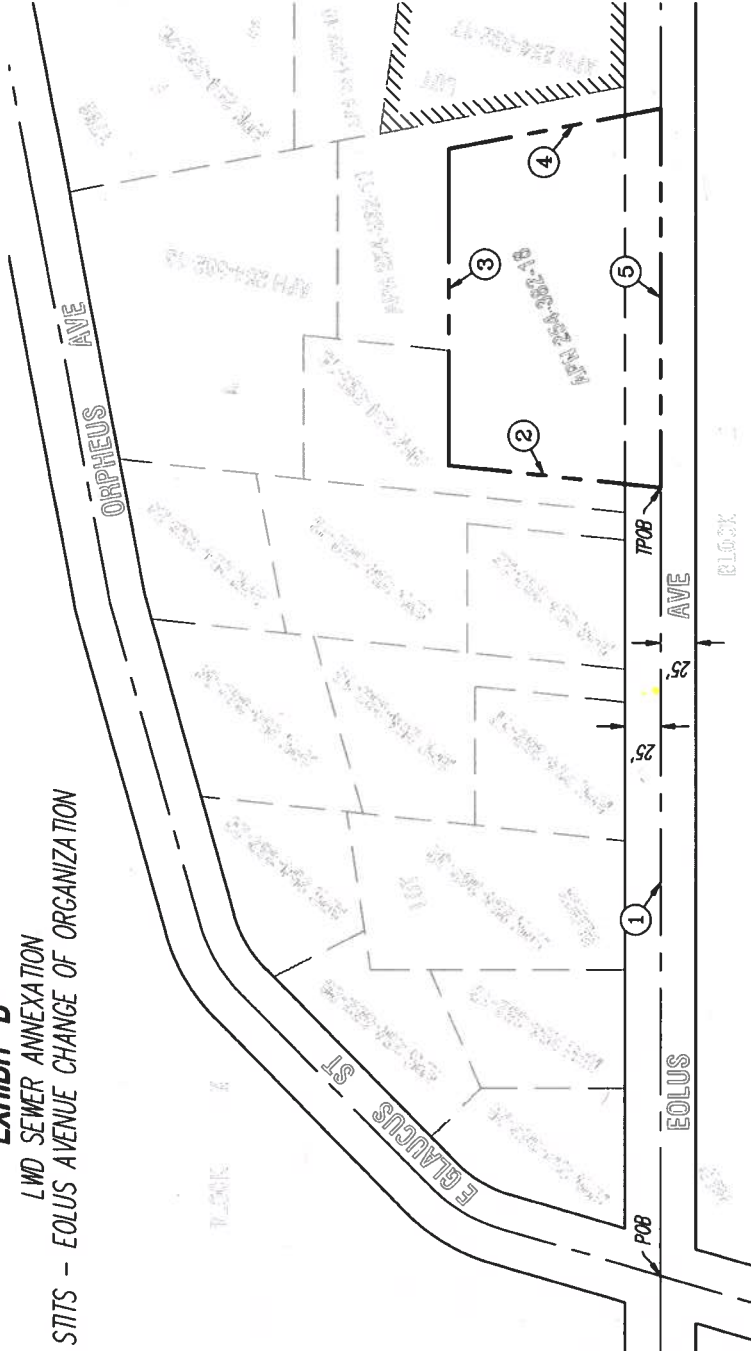


JN: 22-144 DATE: 8.16.22

ASSESSOR'S PARCEL NUMBER: 254-382-18	LAFCO REFERENCE NO. XXXX-XX	ACREAGE 0.841AC
LEUCADIA WASTEWATER DISTRICT ANNEXATION MAP 177, PORTION OF LOT 4 IN BLOCK "C" OF SOUTH COAST PARK		



171 SAXONY RD. STE. 211 ENOWAS, CA 92024
 TEL: (760) 435-0880 FAX: (760) 435-0859



COURSES

1. SOUTH 15°43'30" EAST 554.91'
2. NORTH 80°16'30" EAST 150.50'
3. SOUTH 15°43'30" EAST 222.90'
4. SOUTH 63°34'50" WEST 152.32'
5. NORTH 15°43'30" WEST 266.90'

LEGEND:

- | | |
|---------------------------|-----|
| PARCEL TO BE ANNEXED | --- |
| PROPERTY LINE | --- |
| RIGHT-OF-WAY | --- |
| PARCEL "A" METES & BOUNDS | ① |
| LWD BOUNDARY | ▨ |

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: Stits Annexation

Project Applicant: Kimberly Stits (760) 533-8006

Project Location - Specific:
1177 Eolus Avenue, Encinitas, CA 92024

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

Description of Nature, Purpose and Beneficiaries of Project:
Annexation of 0.841 acres, which includes 1 parcel with an existing-family residence and a proposed lot split, to the Leucadia Wastewater District for the purpose of providing sewer service to both parcels. The parcel is currently on a septic system. APN 254-382-18-00.

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

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

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 the parcels into LWD is for the sole purpose to connect to the existing sewer public system (sewer system). The property will owner be required to connect the new private sewer laterals to the extended public sewer system on Sunset Drive.

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: 9/29/2000 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: _____