



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

5C AGENDA REPORT Consent | Action

June 5, 2023

TO: Commissioners

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

SUBJECT: **Proposed “For Giving LLC-Hymettus Avenue Change of Organization” |
Annexation to the Leucadia Wastewater District (CO22-18)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex 1.2 acres of incorporated territory within its sphere of influence. The affected territory as submitted involves one legal parcel in the City of Encinitas presently developed with a single-family residence as well as a portion of the adjacent public right-of-way on Hymettus Avenue. The purpose of the proposal is to accommodate a pending subdivision to create two additional single-family residential parcels. 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.

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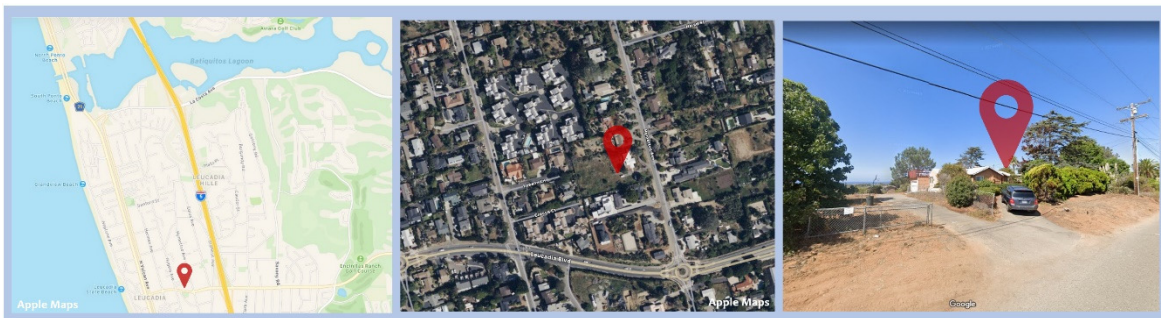
BACKGROUND

Applicant Filling & Requested Terms

San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowner – For Giving LLC (Matt Anderson) – requesting approval to annex approximately 1.2 acres of incorporated territory within the City of Encinitas. The affected territory as submitted comprises one entire parcel currently developed with a 1,739 square foot single-family residence at 936 Hymettus Avenue. An adjacent portion of the public right-of-way is also included in the submitted proposal. The residence was built in 1947, includes equestrian facilities, 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 of San Diego Assessor’s Office identifies the subject parcel as 254-330-13. Requested terms are limited to Leucaida WWD assigning all processing and ancillary costs to the landowner.

Regional Setting

The affected territory is located within the City of Encinitas in its northern and largely residential “Leucadia” neighborhood, west of Interstate 5 and south of Batiquitos Lagoon. Principal access to the affected territory is provided by Leucadia Boulevard, which is approximately 300 feet to the south via Hymettus 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). Maps showing the affected territory and its regional and immediate 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 – Paul Bushee – oversees day-to-day activities, and this includes a current full-time budgeted staff of 19. 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} The jurisdictional boundary spans 9,600 acres or 15 square miles and 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. 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 the 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 eight 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

- City of Encinitas
- County Service Area No. 135 (regional communications)
- Metropolitan Water District of Southern California
- North County Transit District
- San Diego County Water Authority
- San Diego County Flood Control District
- San Diego County Street Lighting District
- San Dieguito Water District

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

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 three-lot subdivision to create two additional single-family residential parcels. The timing of proposal follows the landowner initiating a development application with the City of Encinitas in September 2021. Extension of wastewater would add to existing services available to the affected territory that include community planning, parks, public safety, and roads from the City of Encinitas as well as domestic water from San Dieguito Water District.

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 three parcels within the affected territory. The zoning assignment also allows for additional intensity with each developed single-family residential parcel eligible 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 change of organization. This existing sphere determination narrows the Commission’s consideration to two central and sequential policy items. These 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).

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.⁵ 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 merits public wastewater services. Annexation of the affected territory to Leucadia WWD for purposes of making available public wastewater service accommodates this need and serves as a preferred alternative to – if permissible – operating one or more onsite septic systems. Relatedly, the Commission previously contemplated and affirmed this need in step with including the affected territory within Leucadia WWD’s sphere of influence.
- With respect to **service availability and capacities**, Leucadia WWD has established public wastewater services to adjacent properties to the immediate south of the affected territory. Physical access to the collection system is available in the public right-of-way on Hymettus Avenue and would involve an approximate 208-foot extension of the public main. It is projected the maximum average day wastewater flow generated within the affected territory in the near-term via three dwelling units (three single-family residence) is 666 gallons.⁶ This projected amount can be readily accommodated by Leucadia WWD and represents 0.021% of its available treatment capacity remaining within its wastewater system based

⁵ Reference to Government Code Section 56668.

⁶ Based on a per unit daily demand estimate of 222 gallons.

on recent demands.⁷ Ultimate buildout based on current zoning involves a total of six dwelling units (three single family residences and three accessory dwellings) and would notionally increase the maximum average day demand to 1,332 gallons and take up 0.042% 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 favorable 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%. Additional details are footnoted.⁸
- 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 matters 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.

No jurisdictional disputes have been disclosed by Leucadia WWD in filing the change of organization proposal. 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 planned increasing need for public wastewater within an urbanizing area through readily accessible public infrastructure and capacities. Additional analysis supporting the conclusion is provided in Appendix B.

⁷ Current available capacity assigned to Leucadia WWD is 3.1 million gallons.

⁸ 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.

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

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 the corresponding need for an expansion of public infrastructure is less than significant.

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. Proceeding with a waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agency is the applicant and consents to the waiver, and the landowner has consented to the annexation.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.

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,



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

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

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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 comprises one entire parcel currently developed with an occupied single-family residence as well as an adjacent segment of the public right-of-way to the centerline. The subject parcel is approximately 1.2 acres in size and located at 936 Hymettus Avenue in the City of Encinitas. Ancillary equestrian uses and related improvements are also located within the subject parcel. Additional residential development (density and intensity) is expected within the surrounding area over the next 10 years consistent with the graduate transition of semi-rural residences to residential estates with accessory dwelling units. Total assessed land value (excludes improvements) of the subject parcel is \$2.4 million with the last transaction recorded in December 2021.

- 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 208-foot extension to an existing wastewater main located within right-of-way on Hymettus Avenue. The projected average maximum daily wastewater flow for the affected territory in the near term to accommodate three units (three single family residences) is 666 gallons. This projected amount represents 0.021% 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 6 (three single-family residences and three accessory dwelling units) and raise the maximum average day demand to 1,332 gallons and take up 0.04% 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 two additional units as part of a three parcel lot split (two single family residences). 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 residence and the probable construction of two additional units. 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 the planned two additional units 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 May 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 San Dieguito 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.

- The affected territory’s composite **pollution burdens** ranking falls in the 52 percentile. Six pollution burden measurements exceed the 50 percentile and considered relatively high. These six measurements comprise (a) one exposure involving ozone as well as (b) five environmental effects involving pesticides, traffic, groundwater threats, impaired water, and solid waste sites.
- The affected territory’s composite **at-risk population** ranking falls in the 1 percentile. All at-risk population measurements fall below the 40 percentile and considered moderately low.

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

**“FOR GIVING LLC-HYMETTUS AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT (CO22-18)
LAFCO FILE NO. CO22-18**

WHEREAS, on October 24, 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 1.2 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 254-330-13; 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 June 5th, 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 the corresponding need for an expansion of public infrastructure is less than significant.
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 June 5, 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:
“For Giving LLC- 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 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 June 5, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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RESOLUTION NO. 2385

**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
FOR GIVING LLC 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 For Giving LLC Change of Organization; and

WHEREAS, the proposed For Giving LLC Change of Organization includes annexation of the For Giving LLC territory (**APN 254-330-13-00**) 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.

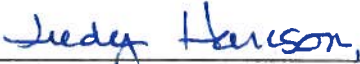
WHEREAS, LAFCO is authorized to approve this proposed Change of Organization without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution 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 October 12th, 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"
936 HYMETTUS AVENUE ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN PROPERTY, SITUATED IN A PORTION OF LOT 16 IN BLOCK 8 OF SOUTH COAST PARK, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1776, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON JANUARY 11, 1924 AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF HYMETTUS AVENUE AND THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 16 AS SHOWN ON SAID MAP 1776; THENCE

1. SOUTH 74°16'30" WEST 326.02 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 16; THENCE
2. NORTH 15°43'30" WEST 160.00 FEET; THENCE
3. NORTH 74°16'30" EAST 326.02 FEET TO THE CENTERLINE OF HYMETTUS AVENUE; THENCE
4. SOUTH 15°43'30" EAST 160.00 FEET ALONG THE CENTERLINE OF HYMETTUS AVENUE TO THE POINT OF BEGINNING AND CONTAINING 1.20 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.

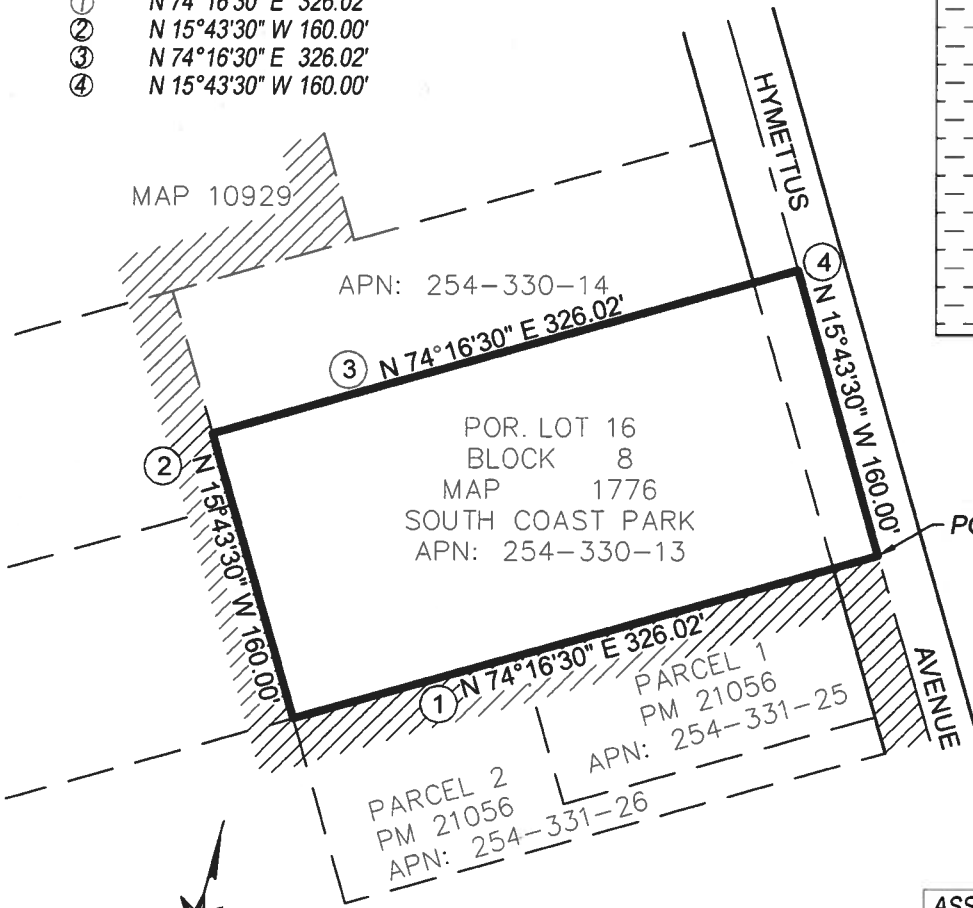


EXHIBIT "B"
LWD SEWER ANNEXATION

936 HYMETTUS AVENUE CHANGE OF ORGANIZATION
APN: 254-330-13

COURSES:

- ① N 74°16'30" E 326.02'
- ② N 15°43'30" W 160.00'
- ③ N 74°16'30" E 326.02'
- ④ N 15°43'30" W 160.00'



VICINITY MAP

NOT TO SCALE

LEGEND

- POB PARCEL "A" METES & BOUNDS B & D
- EXISTING LWD BOUNDARY IN LWD
- PARCEL TO BE ANNEXED



GRAPHIC SCALE 1"=100'



PLSA 3420

ASSESSOR'S PARCEL NUMBER: 254-330-13	LAFCO REFERENCE NO. C022-	ACREAGE 1.20 AC	DATE 7-05-22	SCALE 1"=100'
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LEUCADIA WASTEWATER DISTRICT ANNEXATION

MAP 1776, PORTION LOT 16 IN BLOCK "8" OF SOUTH COAST PARK

PASCO LARET SUITER

& ASSOCIATES
San Diego | Encinitas | Orange County
Phone 858.259.8212 | www.plsaengineering.com

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

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

County Clerk

County of: San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92101

(Address)

Project Title: For Giving LLC Annexation

Project Applicant: Matthew Anderson (949) 702-2302

Project Location - Specific:

936 Hymettus Avenue, Encinitas, CA 92024

Project Location - City: Encinitas

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

Annexation of 1.2 acres, which includes 1 parcel with an existing-family residence and a proposal to create 2 new parcels each with a single-family residence, into the Leucadia Wastewater District for the purpose of providing sewer service to the residences. The existing parcel is on a septic system. APN 254-330-13-00.

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 parcel 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 Hymettus Avenue.

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: 10/20/2020 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: _____

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