



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

6c

AGENDA REPORT
 Consent | Action

May 6, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Michaela Peters, Analyst I

**SUBJECT: Results of Protest Hearing |
 Conditionally Approved “City of Carlsbad Change of Organization”
 Detachment from Leucadia Wastewater District and Concurrent Sphere of
 Influence Action (LAFCO File No. CO23-09)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive the results of the protest hearing held for the “City of Carlsbad Change of Organization.” This change of organization was conditionally approved by the Commission in February 2024 and involves the detachment of three non-contiguous areas within the City of Carlsbad from the Leucadia Wastewater District (WD). The noticed protest hearing was held on April 3rd. No protest was filed at the close of the hearing. The protest hearing results are being presented for the Commission to formally receive and file.

BACKGROUND

Proposal Summary

San Diego LAFCO received a change of organization proposal filed by the City of Carlsbad in July 2023 seeking Commission approval to detach approximately 202 acres of incorporated territory from the Leucadia WD. The affected territory comprises three non-contiguous inhabited areas developed largely with residential and commercial uses along with public

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| <p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p> | <p>Joel Anderson County of San Diego</p> <p>Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p> | <p>Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p> | <p>Chair Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p> | <p>Vice Chair Barry Willis Alpine Fire Protection</p> <p>Jo Mackenzie Vista Irrigation</p> <p>David Drake, Alt. Rincon del Diablo</p> | <p>Harry Mathis General Public</p> <p>Vacant, Alt. General Public</p> |
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open space. The affected territory consists of 50 legal parcels that are further defined with 277 unique assessor parcels with the latter reflecting several properties that are under tenancy in common ownership agreements. The estimated resident population within the affected territory is 1,235. The proposal’s purpose is to eliminate an existing boundary overlap between Carlsbad and Leucadia WD and in doing so make explicit the City is the sole authorized provider of public wastewater services going forward. A map of the affected territory is provided in Attachment One.

Commission Action

On February 5, 2024, San Diego LAFCO held a noticed public hearing to consider the change of organization proposal filed by the City of Carlsbad. The Commission proceeded to conditionally approve the change of organization with no modifications. The Commission also delegated protest hearings to the Executive Officer as allowed under statute and local policy.

DISCUSSION

This item is for San Diego LAFCO to receive the results of the protest hearing delegated to the Executive Officer involving the Commission’s earlier approval of the subject change of organization proposal as required under the policy. Protest for the proposal opened on Monday, February 12, 2024, and concluded at a hearing held on April 3, 2024, at the Carlsbad Municipal Water District. Notice of the hearing was provided in the manner allowed under statute and included publishing a 1/8th page advertisement in the San Diego Union-Tribune as well as voluntary mailed notices to all landowners and registered voters within the affected territory. No written protest was received through the end of the hearing from affected landowners or registered voters. A video recording of the protest hearing is available online at the LAFCO website: www.sdlafco.org.

With the preceding results in mind, the Executive Officer has proceeded to execute a confirming resolution ordering the change of organization. The change of organization will become final once all terms have been satisfied.

ANALYSIS

San Diego LAFCO’s approved detachment of approximately 202 incorporated acres within the City of Carlsbad from the Leucadia WD has cleared its last substantive threshold. All remaining actions necessary to record and enact the change of organization are ministerial.¹

¹ San Diego LAFCO policy directs the Executive Officer to proceed and issue an ordering resolution at the conclusion of the protest hearing process so long as the results do not require the proposal to be terminated or confirmed by an election. The Executive Officer is also responsible for informing the Commission of the protest results resulting in an action being ordered at the next regular meeting. [Policy on Conducting Protest Hearings Section 4(h)].

RECOMMENDATION

It is recommended San Diego LAFCO formally receive the results of the protest hearing held on the subject change of organization as detailed above and consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single motion:

Alternative One (recommended):

Receive and file the protest results for the “City of Carlsbad Change of Organization” (CO23-09) as presented.

Alternative Two:

Continue the item to a future meeting and provide related direction to staff as needed.

PROCEDURES

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

On behalf of the Executive Officer,



Michaela Peters
Analyst I

Attachments:

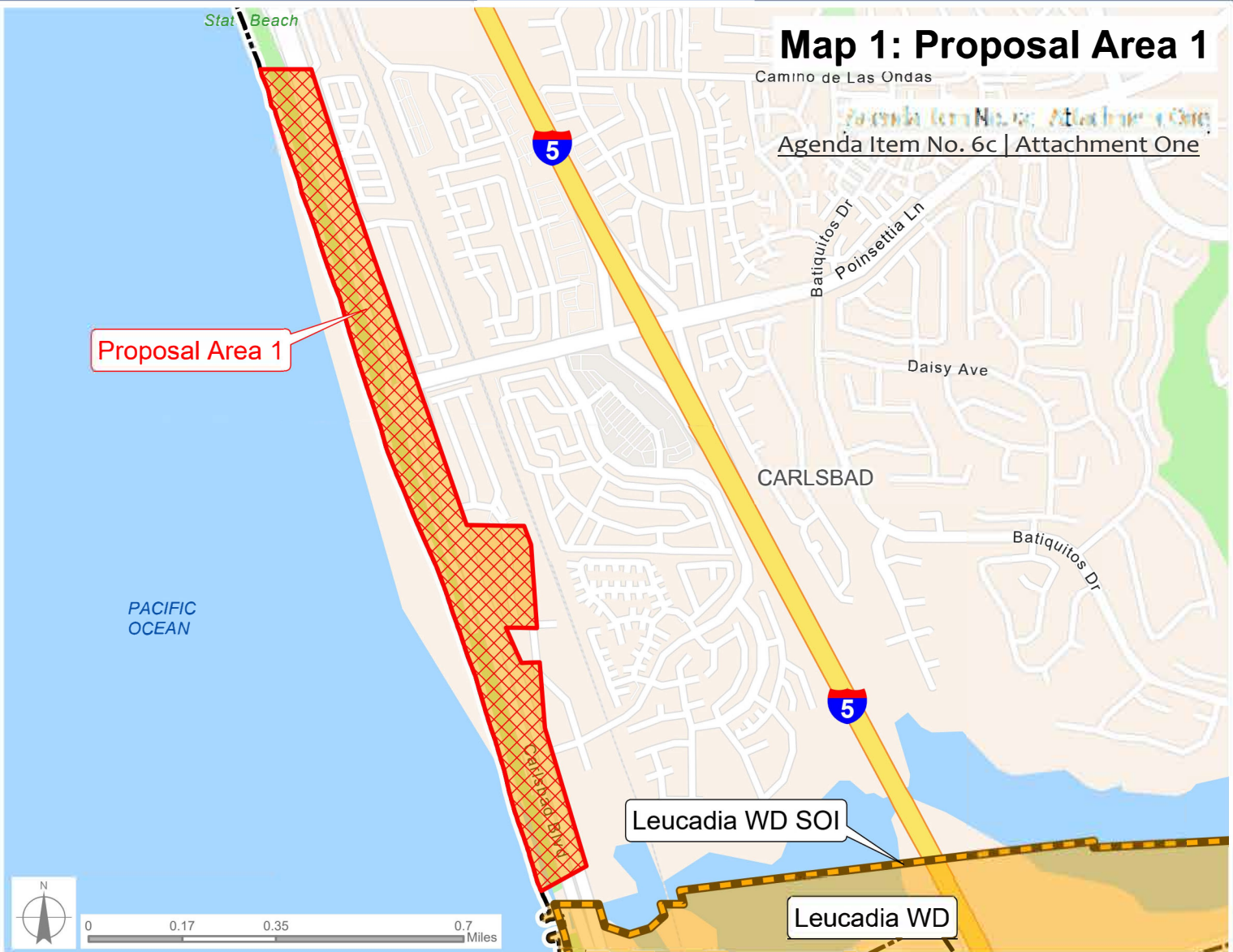
- 1) Map of the Affected Territory
- 2) Copy of Advertisement in UT

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Map 1: Proposal Area 1

Camino de Las Ondas

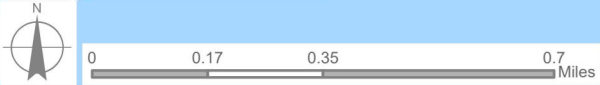
Agenda Item No. 6c | Attachment One






Proposal Area 1

Leucadia WD SOI

Leucadia WD



CO23-09 "CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

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



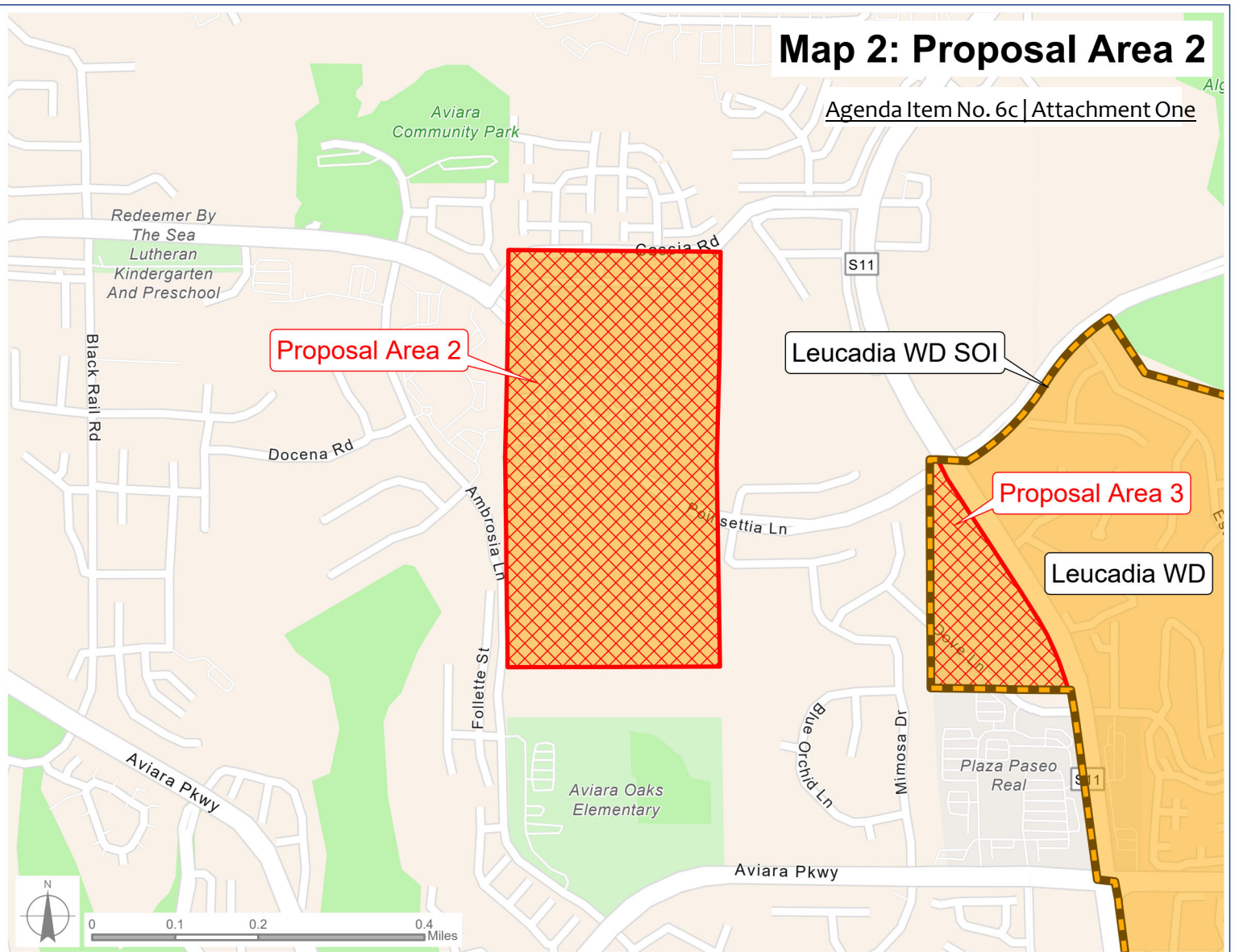
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Map 2: Proposal Area 2

Agenda Item No. 6c | Attachment One



CO23-09

"CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

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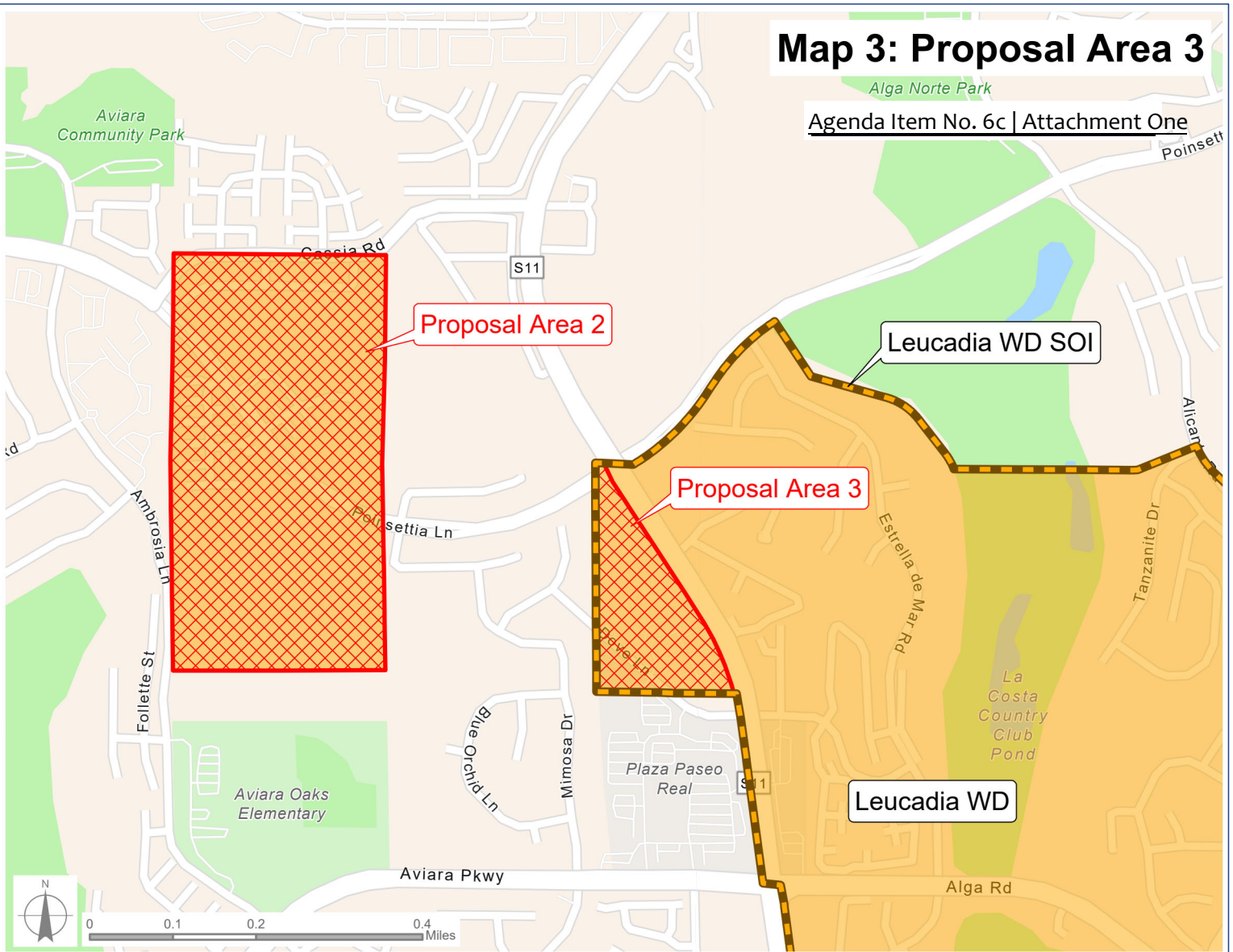
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Map 3: Proposal Area 3

Agenda Item No. 6c | Attachment One



CO23-09

"CITY OF CARLSBAD CHANGE OF ORGANIZATION" | DETACHMENT FROM LEUCADIA WASTEWATER DISTRICT AND CONCURRENT SPHERE OF INFLUENCE ACTION

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**NOTICE OF SCHEDULED PROTEST HEARING
"CITY OF CARLSBAD CHANGE OF ORGANIZATION"
LAFCO FILE NO. CO23-09**

**Wednesday, April 3, 2024 at 9:00 A.M.
Carlsbad Municipal Water District – Water Board Room
5950 El Camino Real, Carlsbad, CA 92008**

The above-listed change of organization was initiated by resolution of the City of Carlsbad and involves the detachment of 3 non-contiguous areas from the Leucadia Wastewater District. The purpose of the proposal is to eliminate an existing overlap between Carlsbad and Leucadia Wastewater District and in doing so better align the agencies' respective wastewater service areas consistent with their current and planned infrastructure. The proposal was conditionally approved by San Diego LAFCO at a noticed public hearing on February 5, 2024. A summary description of the areas making up the affected territory follows.

"Area 1" represents the portion of the affected territory within Carlsbad's southern coastline along Carlsbad Boulevard between Island Way and San Marcos Creek.

"Area 2" represents the portion of the affected territory within the Voscana neighborhood located off Poinsettia Lane and its intersection with Artemisia Court.

"Area 3" represents the portion of the affected territory within the La Costa neighborhood located off of Dove Lane near its intersection with El Camino Real.

Additional details of the proposal – including a map showing all three areas comprising the affected territory – is available online at www.sdlafco.org by accessing the "Meetings" page and staff reports for the February 5, 2024 meeting.

Commencing on Monday, February 12, 2024, San Diego LAFCO will accept written protests filed by landowners and/or registered voters within the affected territory up and until the close of the protest hearing set for Wednesday, April 3, 2024 at the above listed time and place. Written protest filed before the formal hearing may be submitted by mail/courier, facsimile, or email so long as it is received by LAFCO by 5:00 p.m. on Tuesday, April 2, 2024. Otherwise, all protests must be submitted in person at the noticed hearing. Each written protest shall state whether it is made by a qualifying landowner or registered voter. It shall also identify the property location or assessor's parcel number(s) (landowner) or residence address and be signed and dated. All signatures must be dated after the publication of the protest hearing notice.

Protest forms for landowners and registered voters are available at www.sdlafco.org. All questions should be directed to LAFCO Analyst II Carolanne Ieromnimon by telephone at 619-321-3382 or by email at carolanne.ieromnimon@sdcounty.ca.gov.

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