



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

5C

AGENDA REPORT
 Consent | Action

February 7, 2022

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Allen, Analyst I

**SUBJECT: Proposed “Aldern-Eolus Avenue Change of Organization” |
 Annexation to the Leucadia Wastewater District (CO21-10)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the Leucadia Wastewater District (WWD) to annex approximately 0.5 acres of incorporated territory within the District’s sphere of influence. The affected territory as submitted includes one entire parcel developed with a single-family residence within the City of Encinitas. The immediate proposal purpose is to extend public wastewater service to the subject parcel as a preventive measure to replace an aging septic system. The extension of public wastewater service would also accommodate – though no plans currently exist – the construction of an accessory dwelling unit. Staff recommends conditional approval of the proposal with a modification to include the adjacent public right-of-way on Eolus Avenue to the centerline along with waiving protest proceedings.

BACKGROUND

Applicant Request

San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowners – Scott and Kathleen Aldern – requesting approval to annex approximately 0.5 acres of incorporated territory within the City of Encinitas. The affected

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 F 619.404.6508 www.sdlafco.org</p>	<p>Vice 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>Mary Casillas Salas City of Chula Vista</p> <p>Paul McNamara City of Escondido</p> <p>Kristi Becker, Alt. City of Solana Beach</p>	<p>Chris Cate 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>Chair Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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San Diego LAFCO

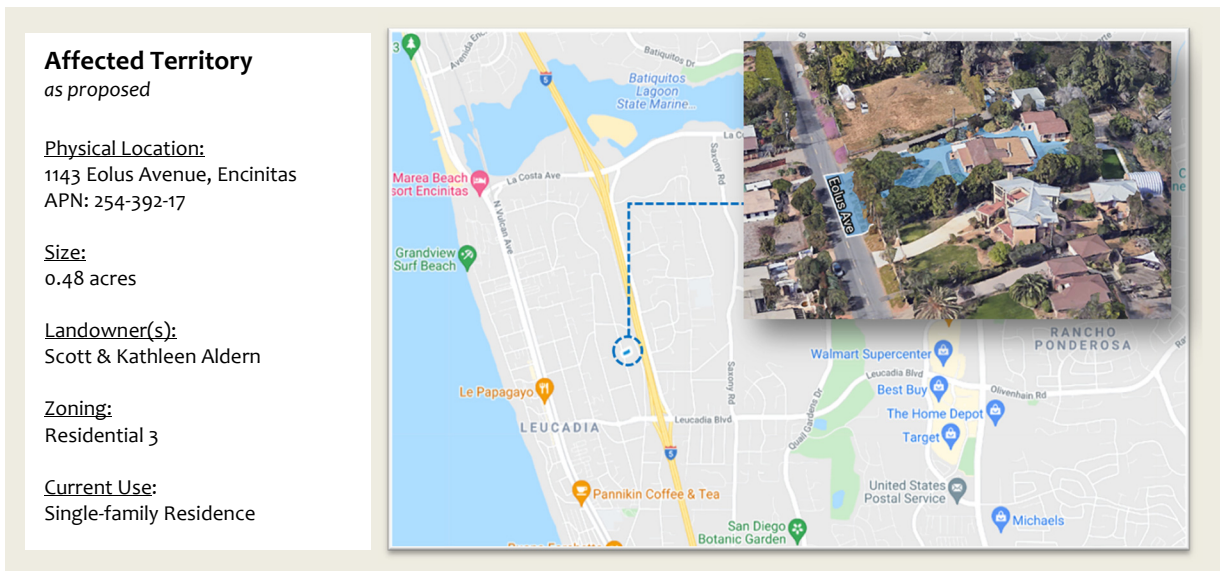
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Agenda Item No. 5c | “Aldern-Eolus Avenue Change of Organization” (CO21-10)

territory as submitted comprises one parcel developed with a 1,560 square foot single-family residence with a situs of 1143 Eolus Avenue. The subject parcel is identified by the County Assessor’s Office as 254-392-17 and lies within Leucadia WWD’s sphere of influence.

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 east of State Highway 101. Principal access to the affected territory is provided by Leucadia Boulevard to the south via Eolus Avenue. An aerial map of the affected territory and its regional setting follows. Attachment One shows the affected territory relative to the proposed boundary change involving Leucadia WWD’s existing boundary.



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.

- Leucadia WWD is an independent special district formed in 1959. The jurisdictional boundary spans 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. A five-member Board of Directors oversees Leucadia WWD’s two active municipal functions: wastewater (collection, treatment, and discharge classes) and recycled water (wholesale and retail classes) with the latter being geographically restricted.² Key wastewater infrastructure includes 218 miles of

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

² Leucadia WWD’s recycled water function (wholesale and retail) is authorized within 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.

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. LAFCO most recently updated Leucadia WWD’s sphere in 2013 and includes 547 non-jurisdictional acres. The most recently prepared audit shows Leucadia WWD’s net position at \$146.9 million as of June 30, 2020 and reflects an overall three-year change of 3.1%.

Affected Local Agencies

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

- City of Encinitas
- County Service Area No. 17 (San Dieguito Ambulance)
- County Service Area No. 135 (Regional Communications)
- Leucadia Wastewater District (Sphere of Influence Only)
- Metropolitan Water District of Southern California
- San Diego County Water Authority
- San Dieguito Water District

DISCUSSION

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

Proposal Purpose

The purpose of the proposed change of organization before San Diego LAFCO is to establish public wastewater service in support of an existing single-family residence. The timing of the proposal syncs to the landowner’s interest to proactively address long-term wastewater service needs for the residence and as an alternative to making ongoing repairs to the existing septic system. 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. The affected territory also lies within the San Dieguito Water District and currently receives domestic retail water service.

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

Development Potential

The City of Encinitas General Plan designates the affected territory as Residential (R-3) along with a matching zoning assignment. This zoning assignment provides a minimum parcel size of 0.33 acres and produces a maximum density potential for the subject parcel of one lot. Additional intensity is contemplated under Encinitas zoning with each developed single-family residential parcel eligible for 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 boundary modifications or approval 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 organized into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section and specifically analyzing the merits of the requested annexation as well as whether modifications and/or terms are appropriate to further address Commission goals and policies. The second subsection considers other germane issues required under LAFCO law or other applicable statutes and marked by making findings under the California Environmental Quality Act (CEQA).

Central Policy Items

Item No. 1 | Change of Organization Timing

The timing of the change of organization involving annexation of the affected territory to the Leucadia WWD for public wastewater service appears appropriate. This conclusion draws from the analysis of the statutory factors required for consideration of proposed jurisdictional changes along with the proposal’s conformance with locally adopted Commission policies. Most of the prescribed review factors and applicable policies focus on the effects of the proposed annexation on the service and financial capacities of the *receiving* agency, Leucadia WWD (emphasis added). A summary of key conclusions generated in the review of these factors and policies with respect to service needs, capacities, and finances follow with a complete analysis provided in Appendix A.

- Service Needs

The affected territory's current and planned residential uses would be appropriately aided by the change of organization and annexation to the Leucadia WWD and establishment of public wastewater service. Additional details on relevant service needs follow.

- The Commission has previously designated Leucadia WWD as the ultimate wastewater service provider for the affected territory through the standing inclusion within the District's sphere. Annexation to Leucadia WWD memorializes this existing Commission expectation and accommodates the expressed interest of the current landowners to establish public wastewater service as evident by their request to Leucadia WWD to initiate LAFCO proceedings.
- Annexation of the affected territory to Leucadia WWD for purpose of establishing public wastewater services going forward is consistent with the adopted land use policies of the City of Encinitas. Encinitas is the current and appropriate long-term land use authority as determined by the Commission and marked by the subject land's standing inclusion in the City's sphere of influence.
- Proceeding with the annexation of the affected territory to Leucadia WWD parallels the expressed interest of the landowners to proactively address wastewater service needs for an existing single-family residence and as an explicit alternative to repairing an aging on-line septic system. This baseline need helps to quantify the timing of the proposal.

- Service Capacities and Levels

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

- An existing Leucadia WWD wastewater main is located near to the affected territory within the public right-of-way on Eolus Avenue and accessible through an approximate 190-foot private lateral connection. No extension of the public wastewater main is required to accommodate service to the affected territory.
- It is projected the maximum average day wastewater flow generated within the affected territory based on its current and planned development of one single-family residence is 210 gallons. This projected amount can be readily accommodated by Leucadia WWD and represents 0.0068% of its available treatment capacity remaining within its wastewater system based on recent demands. Ultimate buildout based on current zoning would involve two residential units divided between one single family residence and one accessory dwelling unit and increase the average day demand to 420 gallons. This amount represents 0.0135% of the available and remaining daily contracted capacity allocated to Leucadia WWD, and as such can be readily accommodated without additional resources or infrastructure planning.

- **Service Funding and Costs**

Leucadia WWD has adequate financial resources and administrative controls to provide wastewater services to the affected territory in support of its current and planned development without adversely impacting current ratepayers. Leucadia WWD's recent audited statements reflects the enterprise operations are effectively managed with the District remaining profitable in each of the last three audited fiscal years with an average total margin of 14.2%.

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

The timing of the change of organization involving annexation of the affected territory to Leucadia WWD is warranted. Justification is marked by the preceding analysis and appropriately syncs the need for public wastewater service in a developing area in a manner responsive to existing infrastructure. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Modifications and Terms

Staff has identified one potential boundary modification to the proposal meriting consideration by San Diego LAFCO at this time. The identified modification would involve expanding the affected territory to include the adjacent public right-of-way along Eolus Avenue to the centerline. This modification would add less than 0.1 acres and provide a more orderly boundary for Leucadia WWD.

**CONCLUSION |
MODIFICATIONS AND TERMS**

Staff recommends one modification to include .05 acres of public right-of-way along Eolus Avenue and thereby provide a more orderly boundary for Leucadia WWD. Standard approval terms are recommended.

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.⁴

RECOMMENDATION

Staff recommends approval of the change of organization proposal as specified 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 approving the change of organization proposal as modified along with standard approval terms.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

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

⁴ LAFCO law defines uninhabited as territory in which less than 12 registered voters reside.

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,

A handwritten signature in black ink, appearing to read "Priscilla Allen". The signature is written in a cursive style with a large initial "P".

Priscilla Allen
Analyst I

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Application Materials

APPENDIX A

Government Code Section 56668

Proposal Review Factors

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

The affected territory as submitted includes one 0.5 acre incorporated parcel in the City of Encinitas. The subject parcel is developed with a single-family residence at 1143 Eolus Avenue (APN 254-392-17) and presently occupied with two residents. It is recommended the affected territory be amended to include an additional .05 acre comprising the adjacent frontage portion of public right-of-way on Eolus Avenue to the centerline. The affected territory lies within a developing urban-residential area and within the portion of Encinitas historically known as Leucadia. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing single-family residential land use and zoning designations. Total assessed value (land and structures) of the subject parcel is \$264,622 with the last transaction recorded in May 2017.

- 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 incorporated territory. These governmental services include community planning, roads, fire protection and emergency medical, and police protection via a contract with the County Sheriff. Other pertinent service providers include San Dieguito Water District (domestic water) and County Service Area No. 17 (ambulance). This proposal affects only wastewater and is the focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**

The affected territory and its existing residential use are currently dependent on an on-site underground septic disposal system. Following annexation, the existing septic system would be backfilled and abandoned as part of the connection to Leucadia WWD wastewater services. Connection to Leucadia WWD is readily available through an approximate 190-foot lateral to an existing wastewater main located within public right-of-way on Eolus Avenue. The projected average daily wastewater flow for the affected territory at its maximum use under current zoning is 420 gallons and would accommodate two residences (one single-family residence and one accessory dwelling unit). This projected amount represents 0.0135% of the current 3.1 million gallons of available and remaining daily contracted capacity allocated to Leucadia

WWD through the Encina Wastewater Authority.

c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

Approval of the proposed change of organization and annexation therein to Leucadia WWD would recognize and strengthen existing economic and social ties between the District and the affected territory. These ties were initially established in the 1980's when the Commission included the subregion containing the affected territory within Leucadia WWD's sphere of influence and signaled the lands would eventually warrant public wastewater service from the District when appropriate.

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

Approving the proposed change of organization and annexation to Leucadia WWD would facilitate the extension of public wastewater services to the existing single-family residence currently comprising the affected territory. 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 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 have no effect on maintaining the physical and economic integrity of agricultural lands.

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

LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds 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 replace an aging septic system. 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. The existing and planned residential uses are consistent with the proposal's purpose to provide public wastewater to the existing single-family residence and replace an aging septic system.

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

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

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

Notice of the submitted change of organization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on January 24, 2022.

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 2019-2020 and shows the District finished with good liquidity levels with an agency-wide current ratio of 6.8 (i.e., \$6.80 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2019-2020 with high capital levels as evident by a relatively low debt ratio of 5.2% (i.e., only \$5.20 out of every \$100.00 in net assets are financed.)
- Leucadia WWD has remained profitable in each of the last three audited fiscal years with an average operating margin of 33.5%. The most recent year – 2019-2020 – the operating margin was 22.2%.

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

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

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

The proposed change of organization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the City of Encinitas by the region’s council of governments. 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 less than 12 registered voters). 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.

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

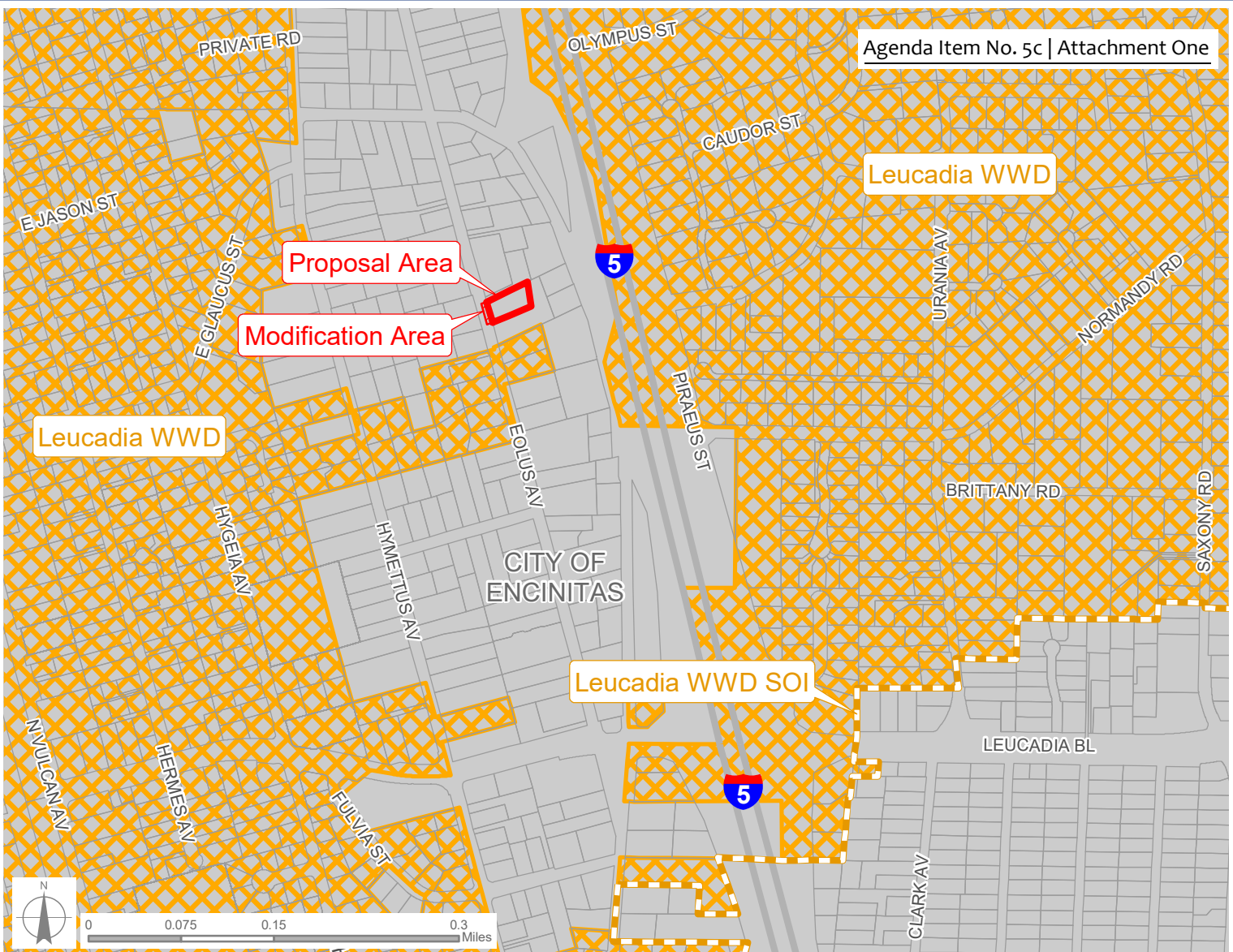
q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information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

The City of Encinitas General 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.

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



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CO21-10

"ALDERN-EOLUS AVENUE CHANGE OF ORGANIZATION" | ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

SOI = Sphere of Influence

-  Proposal Area
-  Modification Area
-  Leucadia WWD
-  Leucadia WWD SOI



San Diego County
Local Agency Formation Commission
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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

**“ALDERN-EOLUS AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO THE LEUCADIA WASTEWATER DISTRICT
LAFCO FILE NO. CO21-10**

WHEREAS, on September 23, 2021, Leucadia Wastewater District filed a resolution to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application seeks approval of a change of organization to annex approximately 0.5 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes one incorporated assessor parcel developed with an existing single-family residence and identified by the County of San Diego Assessor’s Office as 254-392-17; 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 7, 2022; and

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

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

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

2. At the public meeting, the Commission considered the Executive Officer's report.
3. Leucadia WWD serves as lead agency responsible for assessing potential impacts of the proposal and specifically the annexation and extension of public wastewater service to the affected territory 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). 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 with discretionary modification as described below and subject to conditions as provided. Approval involves all of the following:
 - a) The affected territory is modified to include 0.05 acres of adjacent public right-of-way along Eolus Avenue.
 - b) 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 7, 2023, unless an extension is requested in writing and approved by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
 - c) Submittal to the Commission of the following payments:
 - A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$300.00.
6. The Commission assigns the proposal the following short-term designation:

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

**

PASSED AND ADOPTED by the Commission on February 7, 2022 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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RESOLUTION NO. 2353

**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
ALDERN 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 Aldern Change of Organization; and

WHEREAS, the proposed Aldern Change of Organization includes annexation of the Aldern territory (**APN 254-392-17-00**) 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.

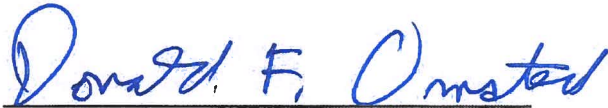
WHEREAS, LAFCO is authorized to approve this proposed Change of Organization without notice or hearing and without an election. If no express effective date is indicated, the effective date of the Change of Organization shall be the date of recordation of the Certificate of Completion and Resolution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

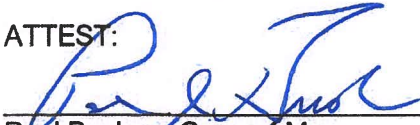
PASSED AND ADOPTED at a Regular meeting of the Board of Directors held on September 8th, 2021 by the following vote:

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



Donald F. Omsted, President

ATTEST:



Paul Bushee, General Manager
(SEAL)

EXHIBIT A

**ANNEXATION NO. DA21-
1143 EOLUS AVENUE - ALDERN ANNEXATION
TO LEUCADIA WASTEWATER DISTRICT**

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN A PORTION OF LOT 3 IN BLOCK F OF SOUTH COAST 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 SAN DIEGO COUNTY MARCH 29, 1924, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF NAIAD STREET AND EOLUS AVENUE; THENCE NORTHERLY ALONG THE CENTERLINE OF EOLUS AVENUE NORTH 15°03'28" WEST 826.68 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE, (1) NORTH 15°03'28" WEST 92.78 FEET ALONG SAID CENTERLINE;

THENCE, LEAVING SAID CENTERLINE (2) NORTH 64°17'44" EAST 220.14 FEET;

THENCE, (3) SOUTH 08°40'36" EAST 108.82 FEET;

THENCE, (4) SOUTH 67°52'50" WEST 205.81 FEET TO THE **TRUE POINT OF BEGINNING** AND CONTAINING 0.48 ACRES OF LAND MORE OR LESS.

SAID LAND ORIGINALLY LOCATED WITHIN A PORTION OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

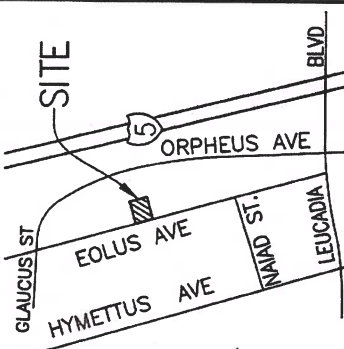


EXHIBIT 'B' ANNEXATION PLAT

SOUTH COAST ANNEX
ORPHEUS AVENUE

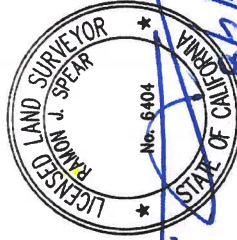
MAP NO. 1788
BLOCK F

254-392-19
254-392-14
254-392-18
254-392-06
254-392-17
254-392-15
254-392-30
254-392-31
254-392-22
254-392-02
254-392-01
254-391-51
254-391-54
254-391-10
254-391-38
254-391-34
254-391-49
254-391-14
254-391-23
254-391-22
254-391-21
254-242-01
254-243-15



COURSES:

1. N15°03'28"W 92.78'
2. N64°17'44"E 220.14'
3. S08°40'36"E 108.82'
4. S67°52'50"W 205.81'



SPEAR & ASSOCIATES, INC.
475 PRODUCTION STREET
SAN MARCOS, CA. 92078
PHONE (760) 736-2040

DISCLAIMER:
"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".



SCALE: 1" = 150'

- LEGEND**
- PROPOSED ANNEXATION BOUNDARY
 - EXISTING LEUCADIA WASTEWATER DISTRICT BOUNDARY
 - PROPOSED ANNEXATION REGION
 - WITHIN LWD SPHERE OF INFLUENCE & OUTSIDE LWD

ASSESSOR PARCEL NUMBER 254-392-17	LAFCO RESOLUTION NO.	ACREAGE 0.48	DATE 8/2/21	SCALE 1"=150'
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LWD ANNEXATION NO. _____
PORTION OF LOT 3
BLOCK F, TRACT 1788

SCOTT ALDERN
1143 EOLUS AVE.
ENCINITAS, CA 92075
TEL: (760) 942-1830

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: Aldern Annexation

Project Applicant: Scott Aldern (760) 942-1830

Project Location - Specific:
1143 Eolus Avenue, Encinitas, CA 92024

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

Description of Nature, Purpose and Beneficiaries of Project:
Annexation of 0.48 acres, which includes 1 parcel with an existing-family residence to the Leucadia Wastewater District for the purpose of providing sewer service to the residence. The parcel is currently on a septic system. APN 254-392-17-00.

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));
[X] 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 lateral to the extended public sewer system on Eolus 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: [Handwritten Signature] Date: 9/16/2021 Title: General Manager

[X] 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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