



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

5C

AGENDA REPORT
 Consent | Action

April 4, 2022

TO: Commissioners

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

SUBJECT: **Proposed “La Costa Avenue-Weston Change of Organization” | Annexation to the Leucadia Wastewater District (CO21-11)**

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 13.5 acres of incorporated territory within the District’s sphere of influence. The affected territory as submitted involves three legal parcels in the City of Encinitas that were previously used for commercial greenhouse operations. The purpose of the proposal is to make public wastewater services available to the affected territory and accommodate a planned 48-unit residential subdivision. Staff recommends conditional approval of the proposal as submitted along with waiving protest proceedings.

BACKGROUND

Applicant Request

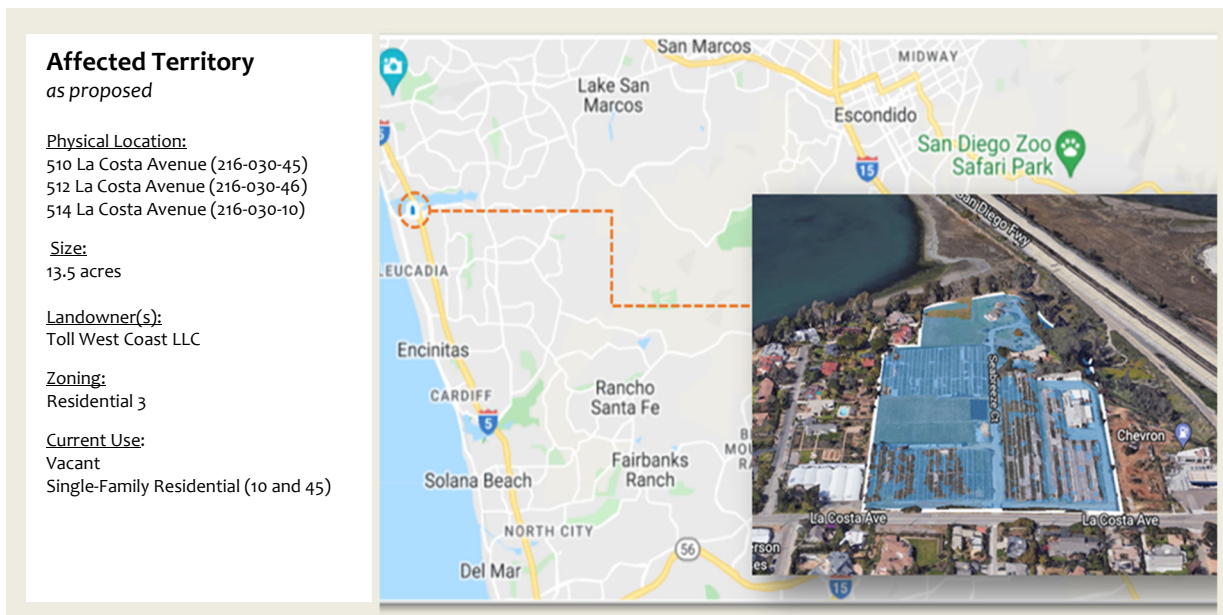
San Diego LAFCO has received a resolution of application from Leucadia WWD on behalf of an interested landowner – Toll West Coast LLC– requesting approval to annex approximately 13.5 acres of incorporated territory within the City of Encinitas. The affected territory as submitted comprises three parcels that were previously developed and used by the Weston Family as part of a long-standing commercial greenhouse operation with situses of 510, 512,

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103-6624 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Joel Anderson County of San Diego</p> <p>Chair Jim Desmond County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Vice Chair Paul McNamara City of Escondido</p> <p>Mary Casillas Salas City of Chula Vista</p> <p>Kristi Becker, Alt. City of Solona 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>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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and 514 La Costa Avenue. (Two of the subject parcels also have single-family residences.) The subject parcels are identified by the County of San Diego Assessor’s Office as 216-030-10, 45, and 46 and lie entirely 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, east of State Highway 101, and south of Batiquitos Lagoon. Principal access 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

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

geographically restricted.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. 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 \$146.7 million as of June 30, 2021 and reflects an overall three-year change of 0.8%.

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.³

- City of Encinitas
- County Service Area No. 17 (ambulance)
- County Service Area No. 135 (regional communications)
- Leucadia Wastewater District (sphere of Influence only)
- Metropolitan Water District of Southern California
- Resource Conservation District of Greater San Diego County
- 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 wastewater services within the affected territory from Leucadia WWD and in doing so facilitate the development of 48-unit residential subdivision (“Weston Subdivision”). The timing of the proposal ties directly to the discretionary approval of the Weston Subdivision by the City of Encinitas in March 2019, which includes a condition requiring public wastewater services from Leucadia WWD. No other municipal service establishments are proposed given the affected territory is presently located within the City of Encinitas and accordingly receives

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.

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.

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.

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. Encinitas tentatively approved the development of all three subject parcels as part of the Weston Subdivision in March 2019. The Weston Subdivision involves 48 single-family residences divided between 44 market-rate units and four very low market-rate units. Two of the units involve the existing single-family residences within the affected territory. State density bonuses and related design and height concessions apply.

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 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

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). A summary of key conclusions generated in the review of these factors and policies with respect to service needs, capacities, and finances follow.

- Service Needs

Annexation of the affected territory to Leucadia WWD would represent an orderly expansion of the District and wastewater services therein and marked by accommodating the planned development of a 48-unit residential subdivision. Additional details 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.
- The timing on the proposed organization complies with LAFCO policy to sync boundary changes with known development projects.

- Service Capacities

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 the affected territory within the public right-of-way on La Costa Avenue and accessible through an approximate 50-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 planned development of 48 residential units is 10,656 gallons.⁴ This projected amount can be readily accommodated by Leucadia WWD and represents 0.3% of its available treatment capacity remaining within its wastewater system based on recent demands.⁵ The potential for accessory dwelling units for each developed single-family residence would increase the average day demand to 21,312 gallons and take up 0.6% of the available and remaining daily contracted capacity allocated to Leucadia WWD. These projected demands can be readily accommodated without additional resources or infrastructure planning.

⁴ Based on a per unit daily demand estimate of 222 gallons.

⁵ Current available capacity assigned to Leucadia WWD is 3.1 million gallons.

- 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 38.6%.

**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 highlighted by appropriately syncing to a planned development in an urbanizing area through readily accessible public infrastructure and capacities. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Modifications and Terms

No 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 and expansion of its activated wastewater service area would not result in any unserved corridors or other boundary irregularities for the subject agency. 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 Three.

**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

The City of Encinitas serves as lead agency under CEQA for considering the physical effects of the proposal as part of its discretion to approve the underlying project to develop the affected territory into a 48-unit single-family residential subdivision. In this role as lead agency, the City adopted a mitigated negative declaration for the project on March 14 2019 and done so in concert with preparing an Environmental Impact Report (EIR). As responsible agency, San Diego LAFCO staff has reviewed the Final EIR and associated documents and believes the City has made adequate findings for the Commission’s use in approving the annexation of the affected territory to Leucadia WWD and no further analysis is required under CEQA. A copy of the Final EIR and adopted mitigated negative declaration is available online on the LAFCO website: www.sdlafco.org.

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.⁶

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.

⁶ LAFCO law defines uninhabited as territory in which less than 12 registered voters reside.

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 submitted 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.

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) Analysis Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Resolution of Application from Leucadia WWD
- 4) Supplemental EIR (online only)
 - Mitigated Negative Declaration (online only)

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 comprises three parcels that collectively total 13.5 acres of incorporated land in the City of Encinitas at 510, 512, and 514 La Costa Avenue. The subject parcels were previously developed as part of greenhouse operations (i.e., flower/plant nurseries) with two of the three also including single-family residences (510 and 514). None of the residences are currently occupied. The affected territory lies within an urban-residential area with moderate growth anticipated in the surrounding area within the next 10-year period. Total assessed land value (excludes improvements) of the subject parcels is \$1,129,000 with the last transaction recorded in August 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 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 50-foot lateral to an existing wastewater main located within public right-of-way on La Costa Avenue and already in the District. The projected average daily wastewater flow for the affected territory at its maximum use under current zoning is 10,656 gallons and would accommodate the planned 48-unit residential units. This projected amount represents 0.3% of the current 3.1 million gallons of available and remaining daily contracted capacity allocated to Leucadia WWD through the Encina Wastewater Authority. However, the potential for accessory dwelling units for each developed single-family residence would increase the average day demand to 21,312 gallons and take up 0.6% of the available and remaining daily contracted capacity

allocated to Leucadia WWD.

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

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 the planned development of 48-unit residential subdivision. 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. However, and within the last 10 years, the land has qualified as both agricultural and prime agricultural in step with its prior uses as commercial greenhouse operations with the latter designation applying given the annual gross value exceeded \$400 per acre. Approval of the proposal and annexation to Leucadia WWD – nonetheless – would have no effect on the current status of the affected territory.

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 two existing single-family residences and the planned 48-unit subdivision. The proposal and its anticipated outcomes do not generate any known conflicts with *San Diego Forward*, the regional transportation plan adopted by the San Diego Association of Governments.

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

The affected incorporated territory is presently designated for moderate-density single-family residential use under the adopted land use policies of the City of Encinitas. The affected territory is zoned as R-3, which prescribes a minimum parcel size of 0.33 acres. Extending public wastewater services to accommodating a planned 48-unit residential subdivision 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 March 28, 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 2020-2021 and shows the District finished with good liquidity levels with an agency-wide current ratio of 3.3 (i.e., \$3.30 in current assets for every \$1.00 in current liabilities).
- Leucadia WWD finished 2020-2021 with high capital levels and marked by a low debt ratio of 5.6% (i.e., only \$5.60 out of every \$100.00 in net assets are financed.)
- Leucadia WWD finished 2020-2021 with an overall total margin of 36.0%.

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

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

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

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

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 associated provision of public wastewater services is to accommodate a planned 48-unit subdivision located within an existing urban footprint. 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.

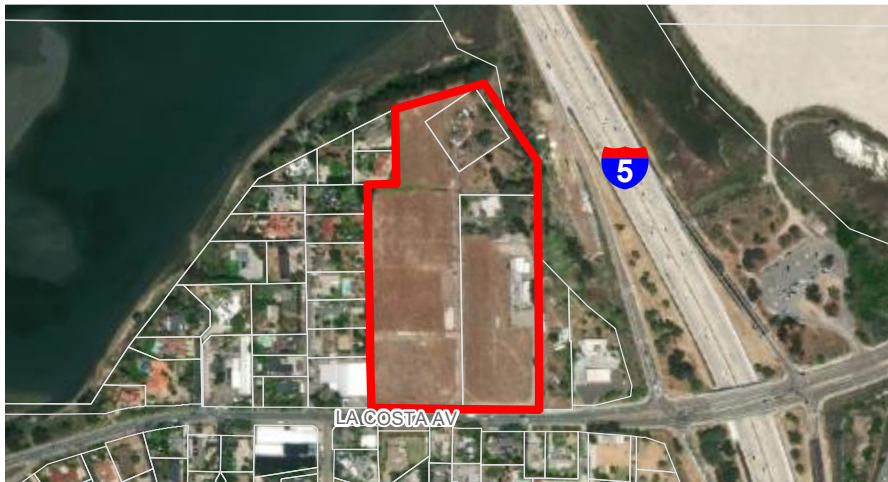
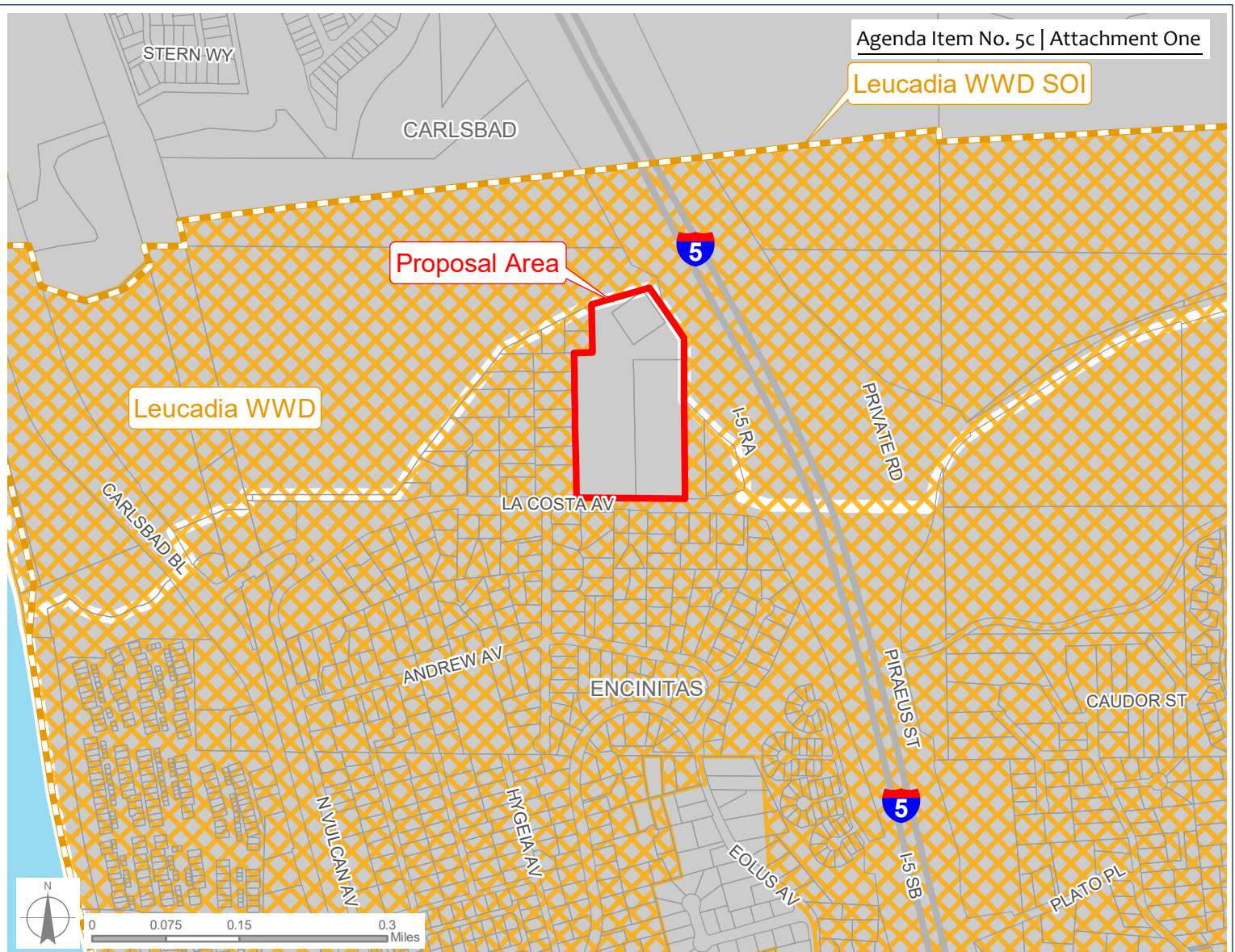
The City of Encinitas General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The affected territory lies outside any identified threat designations.

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.

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Leucadia WWD SOI



CO21-11 "LA COSTA AVENUE - WESTON CHANGE OF ORGANIZATION" | ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

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

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RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A CHANGE OF ORGANIZATION

**“LA COSTA-WESTON AVENUE CHANGE OF ORGANIZATION”
ANNEXATION TO LEUCADIA WASTEWATER DISTRICT
LAFCO FILE NO. CO21-11**

WHEREAS, on December 7, 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 13.5 acres of incorporated territory within the City of Encinitas to the Leucadia Wastewater District; and

WHEREAS, the affected territory as proposed includes two incorporated assessor parcels previously developed with an existing single-family residence and identified by the County of San Diego Assessor’s Office as 216-030-10 and 216-030-45; and

WHEREAS, an applicable master property tax transfer agreement applies to the proposed change of organization dated September 16, 2009; 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 April 4, 2022; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 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 City of Encinitas 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, the City adopted a mitigated negative declaration for the project on March 14 2019 and done so in concert with preparing an Environmental Impact Report (EIR). As responsible agency, San Diego LAFCO has reviewed the Final EIR and associated documents and believes the City has made adequate findings for the Commission's use in approving the annexation of the affected territory to Leucadia WWD and no further analysis is required under CEQA.
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 April 4, 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 Determination consistent with the findings in the resolution.
 - A check made payable to the State Board of Equalization for processing fees in the amount of \$800.00.
6. The Commission assigns the proposal the following short-term designation:
"La Costa-Weston 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 April 7, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**

Attest:

Keene Simonds
Executive Officer

EXHIBIT A-1
MAP OF THE AFFECTED TERRITORY

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

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RESOLUTION NO. 2358

**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
WESTON CHANGE OF ORGANIZATION**

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 Weston Change of Organization; and

WHEREAS, the proposed Weston Change of Organization includes annexation of the Weston territory (*APNS 216-030-10, 45, & 46*) 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 territory currently does not have public wastewater service;
3. The owner of the territory desires to develop a residential subdivision on the property consisting of 48-residential lots total that utilize LWD wastewater service and to extend the wastewater service to two existing homes within the territory ("Weston Subdivision Project"); and
4. The territory to be annexed is within LWD's Sphere of Influence.

WHEREAS, the territory subject to the proposed Change of Organization consists of three existing residential lots that are not connected to a public sewer system, two of which are using on-site septic systems, 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. Completion of sewer facility improvements in accordance with plans approved by the Leucadia Wastewater District; and
2. 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 Board of Directors of the Leucadia Wastewater District ("Board") considered the Environmental Impact Report (EIR) prepared for the Weston Subdivision Project, State Clearinghouse No. 2017121068, that was certified by the Planning Commission for City of Encinitas as the Lead Agency on March 14, 2019 and the California Environmental Quality Act

(CEQA) findings adopted in pursuant to CEQA Guidelines Section 15091, which found that changes or alterations were required in, or incorporated into, the project that would substantially lessen or avoid the significant effects identified in the Final EIR to a level of insignificance,

NOW, THEREFORE, Board finds and resolves as follows:

1. Potentially significant impacts resulting from the proposed annexation and resulting extension of public sewer service into the territory have been adequately identified and considered in the certified EIR for the Weston Subdivision Project;
2. Changes or alterations were required in, or incorporated into, the Weston Subdivision Project that would substantially lessen or avoid the significant effects related to the proposed annexation and extension of public sewer service to a level of insignificance;
3. This Resolution of Application is hereby approved and adopted by the Board;
4. 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; and
5. LWD requests that the proposed Change of Organization be subject to the following terms and conditions:
 - a. Completion of sewer facility improvements in accordance with plans approved by the Leucadia Wastewater District; and
 - b. The annexed property shall thereafter be subject to capacity fees, sewer service fees, and all other district-wide Ordinances and Resolutions of LWD.

PASSED AND ADOPTED at a Regular meeting of the Board of Directors held on November 10, 2021 by the following vote:

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


Donald Omsted, President

ATTEST: 
Paul Bushee, General Manager
(SEAL)

EXHIBIT "A"

ANNEXATION TO LEUCADIA WASTEWATER DISTRICT

GEOGRAPHICAL DESCRIPTION

APNS 216-030-10, 45 & 46

ANNEXATION NO. 2358

A PROTION OF LOT 8 IN SECTION 33, TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY THEREOF APPROVED OCTOBER 25, 1875, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

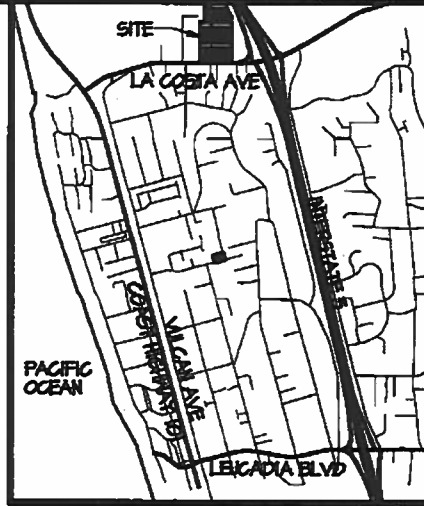
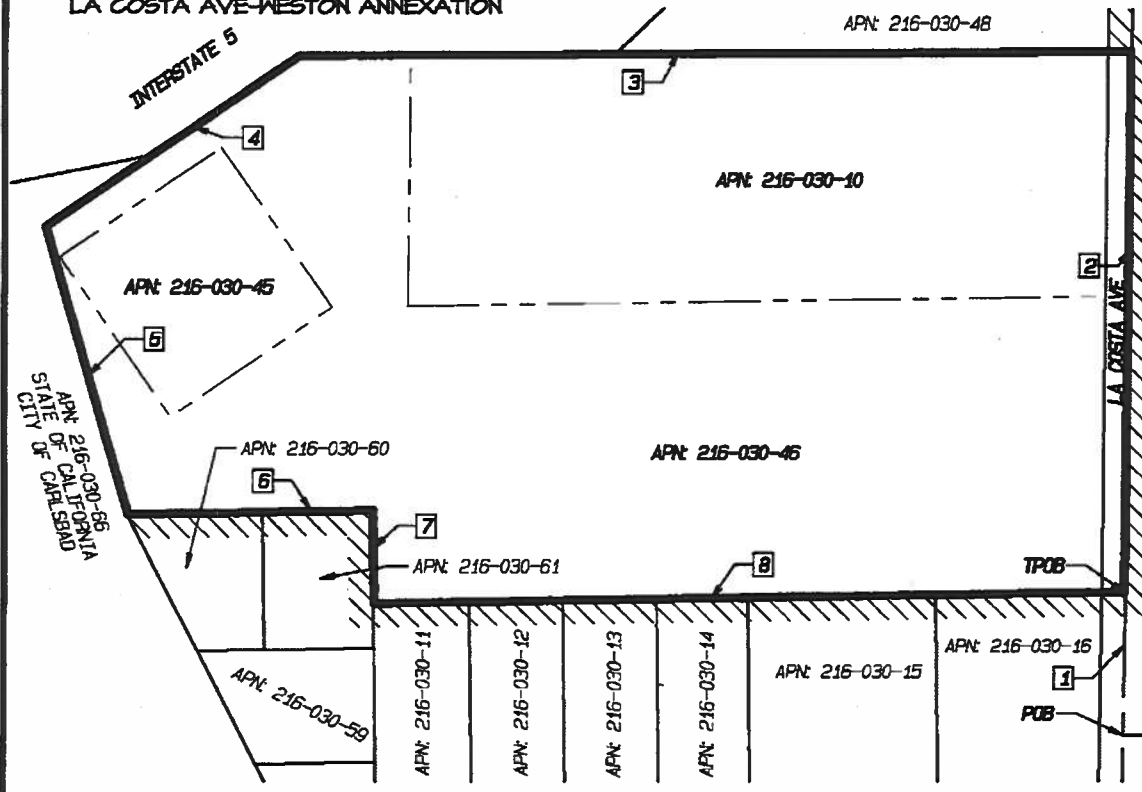
BEGINNING AT THE CENTERLINE INTERSECTION OF LA COSTA AVENUE SHERIDAN ROAD AS SHOWN ON MAP 2063 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY OCTOBER, 3 1926; THENCE ALONG THE CENTERLINE OF SAID LA COSTA AVENUE

- 1) SOUTH 89°26'11" EAST 153.85 FEET TO THE TRUE POINT OF BEGINNING;
THENCE
- 2) SOUTH 89°26'11" EAST 583.80 FEET; THENCE
- 3) NORTH 00°23'04" WEST 888.05 FEET; THENCE
- 4) NORTH 34°23'49" WEST 327.68 FEET; THENCE
- 5) SOUTH 74°03'39" WEST 322.61 FEET; THENCE
- 6) SOUTH 00°55'44" EAST 260.14 FEET; THENCE
- 7) SOUTH 89°04'43" WEST 99.62 FEET; THENCE
- 8) SOUTH 00°55'17" EAST 802.47 FEET, TO THE TRUE POINT OF BEGINNING

CONTAINING 13.4 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
LA COSTA AVE-WESTON ANNEXATION



- VICINITY MAP**
 NOT TO SCALE
- COURSES**
1. SOUTH 89°26'11" EAST 153.85'
 2. SOUTH 89°26'11" EAST 583.80'
 3. NORTH 00°23'04" WEST 888.05'
 4. NORTH 34°25'49" WEST 327.68'
 5. SOUTH 74°03'39" WEST 322.61'
 6. SOUTH 00°55'44" EAST 260.14'
 7. SOUTH 89°04'43" WEST 99.62'
 8. SOUTH 00°55'17" EAST 802.47'



LEGEND

PARCEL "X" METES & BOUNDS [1]

EXISTING LWD BOUNDARY [Hatched pattern]

PARCEL TO BE ANNEXED [Solid line]

IN LWD [Hatched pattern]

ASSESSOR'S PARCEL NUMBERS: 216-030-10, 45, & 46	LAFCD RESOLUTION NO.	ACREAGE	DATE	SCALE
LEUCADIA WASTEWATER DISTRICT ANNEXATION POR. LOT 8, SEC 33, T12S, R4N, SEM		13.4 AC	4-23-18	1"=150'

PASCO LARET SUTER & ASSOCIATES
 CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
 200 North Highway 101, Ste A, Solana Beach, CA 92075
 PH: 954-250-0021 | FX: 954-250-0021 | www.pascolaret.com

NOTICE OF DETERMINATION

TO: Recorder/County Clerk
1600 Pacific Highway, Room 206
San Diego, CA 92112-1750

FROM: City of Encinitas
Development Services Dept.
505 South Vulcan Avenue
Encinitas, CA 92024-3633

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Case Number: 15-222 TMD/DR/BA/CDP

State Clearinghouse #: 2017121068

Project Title: Weston Subdivision Project

190050

Project Applicant: DCM Properties, Inc.
P.O. Box 232280
Encinitas, CA 92023
Telephone: (760) 310-8836

FILED
Ernest J Dronenburg, Jr. Recorder County Clerk

APR 25 2019

BY **C. Reison**
DEPUTY

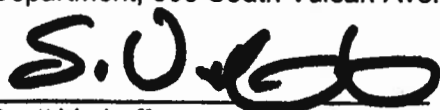
Project Location: 510-514 La Costa Avenue, Encinitas, California

Project Description: The project consists of Tentative Map, Design Review Permit and Coastal Development Permit applications to subdivide 13.9 acres into 48 residential lots, two open space lots, and one private street lot and develop other associated improvements to accommodate, under a separate Design Review Permit entitlement, 46 future single-family residential units.

This is to advise that the Encinitas City Council approved the above-described project on April 24, 2019 and made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of project approval.
4. A mitigation monitoring and reporting program was adopted for this project.
5. A Statement of Overriding Consideration was not adopted for this project.
6. Findings were made pursuant to CEQA Guidelines Section 15091.

It is hereby certified that the Final Environmental Impact Report, including comments and responses, and record of project approval is available to the general public at the office of the Encinitas Development Services Department, 505 South Vulcan Avenue, Encinitas, CA 92024.



Scott Vurbef
Environmental Project Manager
Telephone: (760) 633-2692

Reference: California Public Resources Code, Sections 21108 and 21152

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on APR 25 2019

Posted APR 25 2019 Removed _____

Returned to agency on _____

Deputy C. Reison



State of California - Department of Fish and Wildlife

2019 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 2/7/19) Previously DFG 753.5a

RECEIPT NUMBER:

37-2019- 0291

STATE CLEARINGHOUSE NUMBER (If applicable)

2017121068

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF ENCINITAS	LEAD AGENCY EMAIL --	DATE 04/25/2019
----------------------------------	-------------------------	--------------------

COUNTY/STATE AGENCY OF FILING San Diego County	DOCUMENT NUMBER 2019 - 0050
---	--------------------------------

PROJECT TITLE
WESTON SUBDIVISION PROJECT

PROJECT APPLICANT NAME DCM PROPERTIES, INC.	PROJECT APPLICANT EMAIL --	PHONE NUMBER 760.310.8836
--	-------------------------------	------------------------------

PROJECT APPLICANT ADDRESS P.O. BOX 232280	CITY ENCINITAS	STATE CA	ZIP CODE 92023
--	-------------------	-------------	-------------------

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | | |
|---|--------|------------|----|------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | | \$3,271.00 | \$ | \$3,271.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | 190050 | \$2,354.75 | \$ | |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | | \$1,112.00 | \$ | |

- Exempt from fee

 Notice of Exemption (attach)

 CDFW No Effect Determination (attach)

 Fee previously paid (attach previously issued cash receipt copy)

- | | | | |
|---|----------|----|---------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | \$50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other CK # 2395

TOTAL RECEIVED \$ 3,321.00

SIGNATURE X <i>Collette R</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County C. REISON , Deputy
----------------------------------	--





San Diego County



Transaction #: 3725304
Receipt #: 2019178652

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 04/25/2019
Cashier Location: SD

Print Date: 04/25/2019 1:43 pm

Payment Summary

Total Fees	\$3,321.00
Total Payments	\$3,321.00
Balance:	\$0.00

Payment	
CHECK PAYMENT	\$3,321.00
Total Payments	\$3,321.00
Miscellaneous Item	
FISH & WILDLIFE FEES	
Fees: Fish & Wildlife County Administrative Fee	\$50.00
Fees: Fish & Wildlife Environmental Impact Report	\$3,271.00
Total Fees Due:	\$3,321.00
Grand Total - All Documents:	\$3,321.00

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: P.O. Box 3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: San Diego
Address: 1600 Pacific Highway, Room 260
San Diego California 92112-1750

From:

Public Agency: Leucadia Wastewater District
Address: 1960 La Costa Avenue
Carlsbad, CA 92009

Contact: Ian Riffel
Phone: (760) 753-0155 ext. 3002

Lead Agency (if different from above):
City of Encinitas

Address: 505 South Vulcan Avenue
Encinitas, CA 92024

Contact: Scott Vurbeff
Phone: (760)633-2600

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2017121068

Project Title: Weston Subdivision - Change of Organization in order to provide Sewer Service

Project Applicant: Toll Brothers - Kevin Brickley (760) 877-9885

Project Location (include county): City of Encinitas, County of San Diego

Project Description:

LWD approved the filing of a Resolution of Application to the Local Agency Formation Commission to initiate a Change of Organization in order to annex the Weston territory (APNS 216-030-10, 45, & 46) to LWD. An existing sewer line within La Costa Avenue would be extended to provide sewer service. The EIR for the Weston Subdivision includes 48 family residences on the 13.9-acre site was certified by the Encinitas through PC Resolution 2019-08 and adequately addressed the proposed annexation.

This is to advise that the Leucadia Wastewater District has approved the above (Lead Agency or Responsible Agency)

described project on 11/10/21 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Encinitas City Clerk 505 Vulcan Avenue Encinitas California 92024 NO:15-222 TMDB/DR/CDP

Signature (Public Agency): [Signature] Title: General Manager

Date: 12/3/2021 Date Received for filing at OPR: