

**LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING AGENDA**

Wednesday, July 27, 2005
9:00 a.m.

Board of Supervisors' Hearing Room, Room 381B
Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles 90012

A person with a disability may contact the LAFCO office at (818) 254-2454 at least 72 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN PELLISSIER.**
3. **PUBLIC HEARING**
 - a. Newhall County Water District, Annexation No. 2004-06(A).
 - b. Los Angeles County Sanitation District No. 14, Annexation No. 293
 - c. Los Angeles County Sanitation District No. 14, Annexation No. 294
 - d. Los Angeles County Sanitation District No. 14, Annexation No. 299

4. **GOVERNMENT CODE § 56857 NOTICES**
(For Informational Purposes Only, Receive and File)

Upon receipt of any proposed change of organization or reorganization that includes the annexation of territory to any district, if the proposal is not filed by the district to which annexation is proposed, Government Code Section 56857 requires LAFCO to place the proposal on its agenda for informational purposes only.

- a. Los Angeles County Waterworks District No. 40, Annexation No. 2005-26.

5. **OTHER ITEMS**

- a. Approve Budget Report for the period of July 1, 2004 through June 30, 2005.
- b. Receive and file Municipal Service Reviews and Spheres of Influence Update.
- c. Receive and file Legislative Update.
- d. Approve minutes of the meeting held July 13, 2005.
- e. Receive and file update on pending applications.

6. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

7. **FUTURE MEETINGS**

August 10, 2005

August 24, 2005

8. **FUTURE AGENDA ITEMS**

Items not on the posted agenda which, if requested, will be referred to staff or placed on a future agenda for discussion and action by the Commission, or matters requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Commission subsequent to the posting of the agenda.

9. **ADJOURNMENT MOTION**

Staff Report

July 27, 2005

Newhall County Water District – Annexation No. 2004-06(A)

Agenda Item No. 3a

The proposal before you is a request to annex 7.8 acres of uninhabited territory into the boundaries of the Newhall County Water District, and the related sphere of influence amendment. The proposal was initiated by Newhall County Water District Resolution No. 2004-7.

Proposal Area: The project site is vacant land proposed for residential development. Southern California Edison holds a 100-foot easement from Lake Hughes Road to Violin Canyon along the western portion of the site. The applicant is proposing to underground the existing distribution lines located there, as well as narrowing the easement to 10-feet wide.

Location: The property is located in the unincorporated Los Angeles County community of Castaic, east of Interstate 5, southwest of Castaic Lake Recreation Area. The site is bounded by Lake Hughes Road on the north and Violin Canyon on the south. Castaic Road is to the west and Ridge Route Road is to the east.

Factors to be Considered pursuant to Government Code Section 56668

1. *Population:* There are currently no residents residing within the subject territory.
2. *Landowner:* Newhall Land and Farming Company is the owner of record.
3. *Topography, Natural Boundaries and Drainage Basins:* The project site lies within a vacant lot containing non-native grassland, and is generally flat topography. The Violin Canyon improved drainage channel is located adjacent to the west side of the property. A dedicated County road adjoins the property to the north and south.
4. *Zoning, Present and Future Land Use:* The site is vacant. It is proposed for development as 84 detached single-family condominiums and a 7,800 sq. ft. private recreation parcel located in a gated community. Parking will be provided at the ratio of two covered spaces per dwelling unit. In addition, 57 on-street guest parking spaces are proposed throughout the site.

5. *Surrounding Land Use*: There is single-family manufactured housing on the north, single-family and multi-family housing on the south, retail boat sales on the east and other retail/commercial uses on the west adjacent to the County Flood Control Channel.
6. *Zoning and conformance with the General Plan*: Present zoning is C3-DP. The project applicant has requested a conditional use permit to allow a residential use in a commercial zone as required by zoning extension DP (Development Program). The applicant has also filed and received approval of a two-lot tract map (VTM 60024) with the County of Los Angeles. The existing General Plan designations are U-2 (Urban) and C (Commercial).
7. *CEQA*: The County of Los Angeles, as lead agency, approved a Mitigated Negative Declaration on April 8, 2004.
8. *Assessed Value*: As of March 31, 2004 the total assessed value is \$278,438.
9. *Governmental Services and Control, Availability and Adequacy*: The proposal area is unincorporated Los Angeles County territory and receives general governmental services, including land use planning and regulation, law enforcement, fire protection, road maintenance and other services from the County or County-governed special districts. As the area develops it will require urban levels of law enforcement, fire protection and emergency medical services, public education and other services.
10. *Effects on agricultural or open-space lands*: There are no agricultural or open-space lands within the area subject to annexation proceedings.
11. *Boundaries and Lines of Assessment*: The project site conforms to recorded lines of assessment.
12. *Sphere of Influence*: The subject territory is not within the sphere of influence of the District. The determinations the Commission is required to make pursuant to Government Code section 56425 to amend the Sphere of Influence are contained in the attached Resolution.
13. *Tax Resolution*: All affected agencies have adopted the appropriate tax transfer resolution.
14. *Correspondence*: No correspondence has been received.

Conclusion: Newhall County Water District is the only water district with infrastructure in the immediate area of the project. Annexation will allow the District to provide water in the most economical and expeditious manner. There is no other cost effective alternative.

Recommended Action

1. Open the public hearing and receive testimony on the proposed annexation.
2. There being no further testimony, close the public hearing.
- 3.
6. Adopt the Resolution Making Determinations, Approving and Ordering Annexation No. 2004-06(A), and Amending the Sphere of Influence of Newhall County Water District .

RESOLUTION 05-00 RD

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 2004-06(A)"
TO THE NEWHALL COUNTY WATER DISTRICT;
AND AMENDING THE SPHERE OF INFLUENCE OF THE NEWHALL COUNTY
WATER DISTRICT**

WHEREAS, an application for the proposed annexation of certain territory in the County of Los Angeles to the Newhall County Water District, and request for amendment of the District's sphere of influence, has been filed with the Executive Officer of the Local Agency Formation Commission for Los Angeles County (the "Commission"), pursuant to Title 5, Division 3, commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposed annexation consists of 7.8 ± acres of uninhabited unincorporated County territory and is assigned the following distinctive short form designation: "Annexation No. 2004-06(A) to Newhall County Water District;" and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for this annexation is to provide water to the Van Gorder project which consists of 84 detached single-family condominiums and a 7,800 sq. ft. private recreation parcel located in a gated community; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendations thereon; and

WHEREAS, on July 27, 2005, after being duly and properly noticed, this proposal came for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission, acting in its role as the a responsible agency with respect to Annexation 2004-06(A) to Newhall County Water District, pursuant to State CEQA Guidelines Section 15096, certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and the Mitigated Negative Declaration adopted by the County of Los Angeles, as lead agency, and has determined that the document adequately addresses the environment impacts of the proposed project. The Commission finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental document, previously adopted by the County of Los Angeles, in connection with its approval of the proposed project.

2. The Commission hereby amends the Sphere of Influence of the Newhall County Water District and makes the following determinations in accordance with Government Code Section 56425:

a. Present and planned land uses in the area:

The site is vacant. Eighty four detached single-family condominiums and a 7,800 sq. ft. private recreation parcel located in a gated community are proposed for the site. Parking will be provided at the ratio of two covered spaces per dwelling units. In addition, 57 on-street guest parking spaces are proposed throughout the site.

b. Present and probable need for public facilities and services:

The proposal area is part of unincorporated Los Angeles County territory and receives general governmental services, including land use planning and regulation, law enforcement, fire protection, road maintenance and other services from the County or County-governed special districts. As the area develops it will require urban levels of law enforcement, fire protection and emergency medical services, public education and other services.

c. The present capacity of public facilities:

Newhall County Water District entered into a Water Service Agreement with the developer to design and construct water system improvements and upgrades required by the district in order for the district to provide water service.

d. The existence of any social or economic communities of interest:

The project site is located within the advisory area of the Castaic Area Town Council.

3. A description of the boundaries and map of the proposal, as approved by this

Commission, is set forth in Exhibits A and B, attached hereto and by this reference incorporated herein.

4. The Commission hereby approves the annexation subject to the following terms and conditions:
 - a. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as the Newhall County Water District may legally impose.
 - b. The regular County assessment roll is utilized by the Newhall County Water District

The territory will not be taxed for existing bonded indebtedness of the Newhall County Water District. 5.

Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:

- a. The territory to be annexed is uninhabited;
- b. All owners of land within the affected territory have given their written consent to the change of organization; and
- c. All subject agencies have consented, in writing, to a waiver of commission protest proceedings.

Based thereon, protest proceedings are waived.

6. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Newhall County Water District.

7. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 27th day of July 2005.

Ayes:

Noes:

Absent:

Abstain:

LARRY J. CALEMINE, Executive Officer

STAFF REPORT

July 27, 2005

Agenda Item No. 3b

Annexation No. 293 To County Sanitation District No. 14

The following is an annexation of uninhabited territory to Los Angeles County Sanitation District No. 14. The annexation was initiated by the County Sanitation District at the request of the landowner, Andrew J. Eliopulos.

Annexation No. 293 contains 20.635 acres.

Location: The subject territory is located on Avenue J approximately 1,000 feet east of 40th Street West all within the City of Lancaster.

Surrounding and Present Land Uses: The surrounding land use is residential to the south and vacant to the north, east and west. The present land use is vacant.

Sphere of Influence: The proposed annexation is consistent with the adopted spheres of influence for all affected agencies.

Proposed Development: The proposed development is for one professional real estate office.

Provision of Services: The wastewater generated by the subject territory will be treated at the Lancaster Water Reclamation Plant (LWRP), which has a design capacity of 16 mgd and currently processes an average flow of 13.3 mgd.

Based on the information provided by the property owner, the District's sewerage facilities have or in accordance with current policy, will have adequate capacity to collect, treat and dispose of the wastewater anticipated to be generated on the subject property. Actual sewer hook-up will not be allowed until payment of the connection fee and shall be subject to all circumstances then existent including the availability of capacity.

CEQA: A mitigated negative declaration was prepared by the City of Lancaster for this project pursuant to the provisions of CEQA.

Tax Transfer: All affected agencies have adopted the appropriate tax transfer resolution.

Correspondence: To date staff has not received any correspondence in opposition to or in support of the annexation.

Request for Waiver for Protest Hearing: LAFCO has received written consent from the property owner and all subject agencies for the waiver of protest proceedings in accordance with Government Code Section 56663(c).

RECOMMENDATIONS

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Approve the Resolution Making Determinations Approving and Ordering Annexation No. 293 to County Sanitation District No. 14.

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
RESOLUTION NO. 2005-RD**

**MAKING DETERMINATIONS APPROVING AND ORDERING
CERTAIN UNINHABITED TERRITORY
DESIGNATED AS ANNEXATION NO. 293 ANNEXED TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 14**

WHEREAS, the County Sanitation District No. 14 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located in the City of Lancaster; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal services for the proposed development of 79 single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 20.635 acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 293"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on July 27, 2005, after being duly and properly noticed, this proposal came on for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

2. Acting in its role as a responsible agency with respect to Annexation No. 293, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the mitigated negative declaration adopted by the City of Lancaster and has determined that the document adequately addresses the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency, in connection with its approval of the project.
3. Annexation No. 293 to the County Sanitation District No. 14 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
4. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and

- c. All subject agencies have consented, in writing, to a waiver of commission protest proceedings.

Based thereon, protest proceedings are waived.

- 4. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the County Sanitation District No. 14.
- 5. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 27th day of July 2005.

Ayes:

Noes:

Absent:

Abstain:

LARRY J. CALEMINE
Executive Officer

STAFF REPORT

July 27, 2005

Agenda Item No. 3a

Annexation No. 294 To County Sanitation District No. 14

The following is an annexation of uninhabited territory to Los Angeles County Sanitation District No. 14. The annexation was initiated by the County Sanitation District at the request of the landowner, Burl Patterson.

Annexation No. 294 contains 4.408 acres.

Location: The subject territory is located on 20th Street West approximately J-8 all within the City of Lancaster.

Surrounding and Present Land Uses: The surrounding land use is residential to the south and vacant to the north, east and west. The present land use is vacant.

Sphere of Influence: The proposed annexation is consistent with the adopted spheres of influence for all affected agencies.

Proposed Development: The proposed development is for 79 single-family homes.

Provision of Services: The wastewater generated by the subject territory will be treated at the Lancaster Water Reclamation Plant (LWRP), which has a design capacity of 16 mgd and currently processes an average flow of 13.3 mgd.

Based on the information provided by the property owner, the District's sewerage facilities have or in accordance with current policy, will have adequate capacity to collect, treat and dispose of the wastewater anticipated to be generated on the subject property. Actual sewer hook-up will not be allowed until payment of the connection fee and shall be subject to all circumstances then existent including the availability of capacity.

CEQA: A portion of the project is categorically exempt from the provision pursuant to State CEQA Guidelines Section 15332-Categorical Exemption-Class 32-In Fill Development Project which is consistent with the general plan, within city limits, five acres or less, and does not result in any significant environmental impacts, for the construction of the real estate office. The City of Lancaster General Plan Environmental Impact Report is acceptable for consideration of the vacant parcel.

Tax Transfer: All affected agencies have adopted the appropriate tax transfer resolution.

Correspondence: To date staff has not received any correspondence in opposition to or in support of the annexation.

Request for Waiver for Protest Hearing: LAFCO has received written consent from the property owner and all subject agencies for the waiver of protest proceedings in accordance with Government Code Section 56663(c).

RECOMMENDATIONS

4. Open the public hearing and receive testimony on the matter.
5. There being no further testimony, close the public hearing.
6. Approve the Resolution Making Determinations Approving and Ordering Annexation No. 294 to County Sanitation District No. 14.

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
RESOLUTION NO. 2005-RD**

**MAKING DETERMINATIONS APPROVING AND ORDERING
CERTAIN UNINHABITED TERRITORY
DESIGNATED AS ANNEXATION NO. 294 ANNEXED TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 14**

WHEREAS, the County Sanitation District No. 14 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located in the City of Lancaster; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal services for the proposed development of 79 single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 4.408 acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 294"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on July 27, 2005, after being duly and properly noticed, this proposal came on for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission finds that a portion of the proposed annexation is categorically exempt pursuant to State CEQA Guidelines Section 15332- Categorical Exemption-Class 32-In Fill Development Project which is consistent with the general plan, within city limits, five acres or less, and does not result in any significant environmental impacts, for the construction of the real estate office. Acting in its role as a responsible agency with respect to Annexation No. 294, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the City of Lancaster General Plan Environmental Impact Report adopted by the City of Lancaster and has determined that the document adequately addresses the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency, in connection with its approval of the project.
2. Annexation No. 294 to the County Sanitation District No. 14 is hereby approved subject to the following terms and conditions:
 - b. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - c. The regular County assessment roll is utilized by the District.
 - d. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.

3. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - e. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and
 - c. All subject agencies have consented, in writing, to a waiver of commission protest proceedings.
3. Based thereon, protest proceedings are waived.
- 4.
4. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the County Sanitation District No. 14.
5. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 27th day of July 2005.

Ayes:

Noes:

Absent:

Abstain:

LARRY J. CALEMINE
Executive Officer

STAFF REPORT

July 27, 2005

Agenda Item No. 3b

Annexation No. 299 To County Sanitation District No. 14

The following is an annexation of uninhabited territory to Los Angeles County Sanitation District No. 14. The annexation was initiated by the County Sanitation District at the request of the landowner, Andrew Eliopolus.

Annexation No. 299 contains 10.508 acres.

Location: The subject territory is located on Avenue J approximately 650 feet east of 40th Street West all within the City of Lancaster.

Surrounding and Present Land Uses: The surrounding land use is residential and vacant land. The present land use is vacant undeveloped land.

Sphere of Influence: The proposed annexation is consistent with the adopted spheres of influence for all affected agencies.

Proposed Development: The territory is proposed to be developed as 33 single-family homes.

Provision of Services: The wastewater generated by the subject territory will be treated at the Lancaster Water Reclamation Plant (LWRP), which has a design capacity of 16 mgd and currently processes an average flow of 13.3 mgd.

Based on the information provided by the property owner, the District's sewerage facilities have or in accordance with current policy, will have adequate capacity to collect, treat and dispose of the wastewater anticipated to be generated on the subject property. Actual sewer hook-up will not be allowed until payment of the connection fee and shall be subject to all circumstances then existent including the availability of capacity.

CEQA: A negative declaration was prepared for this project pursuant to the provisions of CEQA.

Tax Transfer: All affected agencies have adopted the appropriate tax transfer resolution.

Correspondence: To date staff has not received any correspondence in opposition to or in support of the annexation.

Request for Waiver for Protest Hearing: LAFCO has received written consent from the property owner and all subject agencies for the waiver of protest proceedings in accordance with Government Code Section 56663(c).

RECOMMENDATIONS

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Approve the Resolution Making Determinations Approving and Ordering Annexation No. 299 to County Sanitation District No. 14.

**RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
RESOLUTION NO. 2005-RD**

**MAKING DETERMINATIONS APPROVING AND ORDERING CERTAIN UNINHABITED
TERRITORY
DESIGNATED AS ANNEXATION NO. 299 ANNEXED TO
LOS ANGELES COUNTY SANITATION DISTRICT NO. 14**

WHEREAS, the County Sanitation District No. 14 adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Los Angeles County (the Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for the annexation of territory located in the City of Lancaster; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal services for a proposed development of 33 single-family homes; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the territory consists of 10.508 acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 299"; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a report, including his recommendation thereon; and

WHEREAS, on July 27, 2005, after being duly and properly noticed, this proposal came on for hearing at which time this Commission heard and received all oral and written testimony, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Acting in its role as a responsible agency with respect to Annexation No. 299, and under State CEQA Guidelines Section 15096, the Commission certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed project and the negative declaration certified by the City of Lancaster, and has determined that the document adequately addresses the environmental impacts of the project. The Commission also finds that it has complied with the requirements of CEQA with respect to the process for a responsible agency, and hereby adopts by reference the environmental findings previously adopted by the lead agency, in connection with its approval of the project.
2. Annexation No. 299 to the County Sanitation District No. 14 is hereby approved subject to the following terms and conditions:
 - a. The property so annexed shall be subject to the payment of such service charges, assessments or taxes as the District may legally impose.
 - b. The regular County assessment roll is utilized by the District.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the District.
3. Pursuant to Government Code Section 56663(c), the Commission hereby finds and determines that:
 - a. The territory to be annexed is uninhabited;
 - b. All owners of land within the affected territory have given their written consent to the change of organization; and

- c. All subject agencies have consented, in writing, to a waiver of commission protest proceedings.
- 5.
6. Based thereon, protest proceedings are waived.
4. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the County Sanitation District No. 14.
5. The Executive Officer is directed to transmit a certified copy of this resolution to the General Manager of the District, upon the District's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, et seq.

PASSED AND ADOPTED this 27th day of July 2005.

Ayes:

Noes:

Absent:

Abstain:

LARRY J. CALEMINE
Executive Officer

Staff Report

July 27, 2005

Agenda Item No. 4

**GOVERNMENT CODE § 56857 NOTICES
(For Informational Purposes Only, Receive and File)**

Upon receipt of any proposed change of organization or reorganization that includes the annexation of territory to any district, if the proposal is not filed by the district to which annexation of territory is proposed, Government Code section 56857 requires LAFCO to place the proposal on its agenda for informational purpose only. Within 60 days of the meeting date, the annexing district may adopt and submit to LAFCO a resolution requesting termination of the annexation proceedings. The law requires that the annexing district "present written findings supported by substantial evidence in the record that the termination request is justified by a financial or service related concern." Prior to the commission's determination of termination of proceedings the resolution is subject to judicial review.

Waiver of 60-Day Termination Period

Under section 56857, LAFCO may not hear and consider the proposed annexation until the 60-day termination period has expired. The Code provides, however, that the commission may waive the 60-day termination period if the annexing district adopts and submits to LAFCO a resolution supporting the change of organization or reorganization.

The following is a summary of the annexation proposal filed with LAFCO:

a) Project Description

On June 27, 2005 Valley Bible Church filed an application for annexation of a 10.11 acre parcel into Los Angeles County Waterworks District No. 40.
APN Nos. 3153-012-028, 038, -800.

Project Location

The project site is located at the southeast corner of 35th Street West and Avenue J, in the City of Lancaster.

Staff Report

July 27, 2005

LAFCO Budget Report F/Y 07/01/04 – 06/30/05

Agenda Item 5a

Discussion:

The attached Budget Report reflects LAFCO's total revenues and expenditures during fiscal year 07/01/04 through 06/30/05.

Income:

The total number of applications filed was greater than anticipated and budgeted. This has resulted in a \$250,764.13 increase in total fees collected.

Expenses:

Expenses reflected in accounts #1, #2, #3, & #4 ran \$105,047.41 over budget while account #4 ran \$94,006.86 under budget resulting in \$11,040.55 net over budget expenditures or approximately 1% of total budgeted expenses.

Of the increased revenues, \$52,403.07 was used to upgrade computer hardware and software, and miscellaneous office equipment, and \$10,618.47 was allocated to the purchase of a new automobile.

Summary:

Total Expenses were \$74,062.09 over budget, of which operating expenditures accounted for \$11,040.55 and Capital Expenditures accounted for \$63,021.54.

The \$250,764.13 increase in Total Income when reduced by the \$74,062.09 in added expenditures resulted in a Net Income of \$176,702.04 more than budgeted. This amount has been added to LAFCO's reserve account.

Staff Report

July 27, 2005

Legislative Update AB 1746

Agenda Item 5c

I am pleased to report that AB 1746, this year's LAFCO omnibus bill, passed out of the Senate Local Government Committee with an 8-0 vote. The bill must go through Senate Appropriations before heading to the floor. Hopefully, it will continue on its journey to passage. As noted previously, the first MSR/SOI deadline would be extended by this bill to January 1, 2008. Peter Detwiler's (consultant to the Senate Local Government Committee) summary of all of the provisions of the bill is reflected below.

SENATE LOCAL GOVERNMENT COMMITTEE

Senator Christine Kehoe, Chair

BILL NO: AB 1746

AUTHOR: Assembly Local Gov't. Committee

VERSION: 6/30/05

HEARING: 7/13/05

FISCAL: Yes

CONSULTANT: Detwiler

CORTESE-KNOX-HERTZBERG ACT

Background and Existing Law

The Cortese-Knox-Hertzberg Local Government reorganization Act delegates the Legislature's power to control the boundaries of cities and special districts to local agency formation commissions (LAFCOs). The courts refer to LAFCOs as the Legislature's watchdog over local boundary changes.

As practitioners find problems with the Cortese-Knox-Hertzberg Act, they ask for statutory improvements. The Assembly Local Government Committee responds by authoring clean-up bills: AB 720 (Assembly Local Government Committee, 2001) and AB 3007 (Assembly Local Government Committee, 2003).

Proposed Law

Assembly Bill 1746 makes eight changes to the state laws affecting local agency formation commissions (LAFCOs) and local governments' boundaries.

1. Deadline for spheres of influence. LAFCOs must adopt a "sphere of influence" for each city and special district in its county, showing the agencies' future boundaries and service areas. LAFCOs must review and update their spheres of influence every five years. The first revisions are due on January 1, 2006 (AB 2838, Hertzberg, 2000). All LAFCO boundary decisions must

be consistent with these spheres of influence. To strengthen the content of these policy documents, the Legislature required LAFCOs to prepare "municipal service reviews." To help LAFCOs perform this new duty, the Legislature directed the Governor's Office of Planning and Research (OPR) to issue advisory guidelines for municipal service reviews by July 1, 2001. OPR didn't comply until August 2003. Some LAFCOs didn't start preparing their municipal service reviews and revising their spheres of influence until they received OPR's guidelines. As a result of OPR's 25-month delay, LAFCOs report that they will have revised less than half of their spheres by January 1, 2006. They want two more years to revise their spheres of influence. Assembly Bill 1746 extends the deadline for LAFCOs to review and update their spheres of influence from January 1, 2006 to January 1, 2008. [5 of the bill.]

2. LAFCO public members. The Maddy Local Appointive List Act of 1975 requires counties and cities annually to prepare Local Appointments Lists that identify the positions they expect to fill in the coming year. Each county's Local Appointments List must show the appointments of public members and alternate public members of that county's LAFCO (54975). Because LAFCOs are now independent of county governments, there is no longer a need for counties to place LAFCO public members' vacancies on the counties' Local Appointments Lists. Assembly Bill 1746 repeals the requirement for counties to include LAFCO public members' vacancies on their Local Appointments Lists. AB 1746 instead requires LAFCOs to post notices of their public members' vacancies and to send copies of those notices to all special districts, cities, and the county government. A LAFCO cannot fill a public member vacancy for at least 21 days after the posting. [1 & 3]

3. Public notices. When LAFCOs hold public hearings, they must provide notice to the affected landowners or voters. If a LAFCO must mail public notices to more than 1,000 landowners or mail public notices to more than 1,000 registered voters, it may instead publish a display advertisement in a local general circulation newspaper (56157). Assembly Bill 1746 allows a LAFCO to substitute a published display advertisement for mailed notices when the total number of notices to landowners and voters exceeds 1,000. [2]

4. LAFCO budgets. Special districts, cities, and county governments share the funding for LAFCOs' operating costs. If a LAFCO's operating funds are inadequate, the county board of supervisors can loan money to LAFCO and recover the funds from the LAFCO's budget in the following fiscal year (56381). Assembly Bill 1746 repeals the language allowing counties to recover funds from LAFCOs and instead AB 1746 -- 6/30/05 -- Page 3 requires LAFCOs to include the repayment in their next budgets. [4]

5. Without notice or hearing. After a LAFCO approves an annexation or detachment, it must hold a noticed public hearing to measure protests. If the protests are significant, the boundary change may be subject to voter approval. In the case of uninhabited territory, a LAFCO can waive these protest proceedings if all of the landowners consent to the boundary change and all of the subject agencies give their written consent. In the case of inhabited territory, a LAFCO can waive these protest proceedings if it has notified all of the affected landowners and voters and none objects, and all of the subject agencies give their written consent (56663). LAFCOs say that it's hard to use this expedited procedure because it requires the written consent of every subject agency. They want the Legislature to allow them to dispense with the protest procedures as long as a subject agency doesn't object. Assembly Bill 1746 allows a LAFCO to waive protest proceedings if a subject agency does not submit written opposition. [6]

6. Arcata's noncontiguous annexation. City-owned real property within its own city limits is exempt from property taxation. With rare exception, state law requires that land must be contiguous to a city before it can be annexed. However, state law allows for the annexation of up to 300 acres of noncontiguous land if it's municipally owned and used for municipal purposes. In addition, the City of Willits has special permission to annex up to 3,100 acres of noncontiguous land that it uses for municipal water purposes (AB 86, Hauser, 1985; now 56743). The City of Arcata (Humboldt County) bought nearly 1,200 acres of forest for wildlife habitat and sustainable forestry. Arcata officials want to annex their city-owned forest to remove the property from the tax rolls. Assembly Bill 1746 allows the City of Arcata to annex up to 3,100 acres of noncontiguous territory that are subject to a city forest management plan. [7]

7. Protests and elections. After a LAFCO approves a proposed boundary change, it must conduct another noticed public hearing to measure any formal protests. If the protests are 0-25%, the boundary change goes forward, AB 1746 -- 6/30/05 -- Page 4, without voter approval. If the protests are 25-50%, the boundary change goes ahead, but it's subject to voter approval. When there's a majority protest, proceedings stop. State law requires voter approval of certain types of boundary changes: city incorporations, many district formations, consolidations, and mergers of a district with a city. LAFCOs must hold their formal protest hearings, but unless there's a majority protest that blocks the proposal, the item goes before the voters (57000 & 57077). LAFCOs report no instances of majority protests on these high profile boundary changes; they go to the ballot any way. LAFCOs argue that holding formal protest hearing on boundary changes that already require voter approval is unnecessary, expensive, and confusing. They want legislators to eliminate the need for formal protest hearings for boundary changes that require voter approval. Assembly Bill 1746 deletes the requirement for formal protest hearings for dissolutions, incorporations, formations, dis-incorporations, mergers, subsidiary districts, consolidations, or reorganizations that include these boundary changes. [9 & 10]

8. Cross-references. In 1965, the Legislature combined the procedures for special districts' boundary changes into the District Reorganization Act. In 1983, the Legislature combined that statute with other LAFCO laws to create the Cortese-Knox Act. Five years ago, legislators reformed that statute and renamed it the Cortese-Knox-Hertzberg Local Government Reorganization Act (AB 2838, Hertzberg, 2000). Practitioners still come across obsolete references to the 1965 statute, including sections in the Municipal Utility District Act and the Public Utility District Act (Public Resources Code 13801 and 14051). Assembly Bill 1746 corrects these statutory cross-references. [11 & 12]

Comments

1. Ripple effect. OPR's 25-month delay in issuing its advisory "Municipal Service Review Guidelines" delayed some LAFCOs from preparing Municipal Service Reviews and then revising the spheres of influence by the January 1, 2006 deadline. If LAFCOs don't update their spheres by January 1, they won't be able to approve annexations to cities and special districts or any other boundary changes. Annexations will come to a halt because state law requires LAFCOs' boundary decisions to be consistent with their spheres of influence. LAFCOs can't use outdated spheres to make the required consistency determination. AB 1746 avoids that shut-down by extending the statutory deadline by another two years.

2. Parkinson's Law. Parkinson's Law reminds us that: Work expands so as to fill the time available for its completion. In 2000, the Legislature gave LAFCOs five years to bring their spheres up-to-date. With just six months to go before the January 1, 2006 deadline, AB 1746 extends that period for two more years. Some LAFCOs want the Legislature to give them three years (or even longer) to research their Municipal Service Reviews and then update their spheres of influence. The two-year extension matches OPR's delay in issuing the advisory guidelines.

3. Clean-up. Except for the provision extending the deadline for revising spheres of influence, the other features of AB 1746 don't raise questions of statewide policy. They will make a complex statute easier for local officials to use.

Assembly Actions

Assembly Local Government Committee: 7-0

Assembly Floor: 77-0

Support: California Association of Local Agency Formation Commissions, Humboldt LAFCO, Santa Cruz LAFCO.

Opposition: Unknown.