

**LOCAL AGENCY FORMATION COMMISSION
MEETING AGENDA**

Wednesday, June 11, 2008
9:00 a.m.

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.

NOTICE OF CLOSED SESSION

CS-1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

The Commission will meet in Closed Session pursuant to Government Code Section 54957 to evaluate the performance of the Executive Officer.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN GLADBACH.**
3. **PUBLIC HEARINGS**
 - a. Final budget for FY 2008/2009.
 - b. Los Angeles County Sanitation District No. 14 – Annexation No. 312.
 - c. Los Angeles County Sanitation District No. 14 – Annexation No. 314.

4. **CONSENT ITEMS**

All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.

- a. Los Angeles Waterworks District No. 40 – Annexation No. 2006-05.
- b. Los Angeles Waterworks District No. 40 – Annexation No. 2006-06.
- c. Santa Clarita Valley Sanitation District of Los Angeles County – Annexation No. 262.

- d. Ratify the results of the Special District LAFCO member elections and re-appointment Donald Dear to a 4-year term commencing May 5, 2008 and ending May 7, 2012.
- e. Approve Operating Account and Check Register for the month of May.
- f. Approve Minutes of May 28, 2008.
- g. Receive and file update on pending applications.

5. **OTHER ITEMS**

- a. Conference Report.
- b. Report on East Los Angeles, Rowland Heights and West Ranch Proposed Incorporations.
- c. Report on Las Lomas court decision.

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**

June 25, 2008
July 9, 2008
July 23, 2008
August 13, 2008

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

June 11, 2008

Agenda Item No. 3a

LAFCO FINAL OPERATING BUDGET Fiscal Year 2008/2009

The proposed Final Budget for FY 2008/2009 is attached to this staff report and contains no changes from the preliminary budget and includes the funding allocation for the County of Los Angeles cities and independent special districts.

Expenses:

Total expenses for FY 2008/2009 are estimated at \$1,255,802.00 compared to the \$1,229,876.55 for FY 2007/2008. This reflects a budget increase from the prior year budget of (\$25,925.55) or 2.0%. The main impact causing the budget increase will come from the strong probability of three (3) city incorporations and the start up of the new MSR/SOI process. Salaries and Employee Benefits are further adjusted to reflect a basic cost of living increase as provided for in all staff employment contracts. All other expenses have been adjusted, up or down, to reflect staff's best estimate of cost.

Revenues:

While it is difficult to project future revenues, staff has applied the amount of \$150,000 to the projected revenue stream. While construction/development tendencies appear to show signs of becoming soft, the projected revenue stream should still be appropriate inasmuch as there is still need for infrastructure growth in many of the development areas.

Allocation Among Local Agencies:

The allocation of LAFCO's projected \$865,802.10 net operating costs, as indicated on the attached LAFCO Final Budget for FY 2008/2009, is calculated pursuant to Government Code Section 56381.

Recommendation

Staff recommends adoption of the attached Final Budget for FY 2008/2009.

Staff Report

June 11, 2008

Agenda Item No. 3b

**Annexation No. 312 to
County Sanitation District No. 14**

The following is a request to annex 80.238± acres of inhabited territory to Los Angeles County Sanitation District No. 14.

Proposal Area: The annexation consists of vacant and residential areas, located within a residential community. The territory has already been developed to include 323 existing single-family homes.

Location: The subject territory is located on 60th Street West approximately 600 feet south of Avenue K, all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is estimated at 826 residents.
2. ***Landowners:*** There are numerous landowners within the annexation territory.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is R-7,000; single-family residential with a minimum lot size of 7,000 square feet. The present land use is vacant and residential. The proposed land use is residential.
5. ***Surrounding Land Use:*** The surrounding land use is vacant residential.
6. ***Assessed Value:*** The total assessed value is \$123,830,110.00.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is not currently serviced by the District. However, the area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Lancaster Water Reclamation Plant 2020 Facilities Plan. The wastewater generated by the proposed project will be treated at the Lancaster Water Reclamation Plant (LWRP). The District will have adequate capacity to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.
8. ***Effects on agricultural or open-space lands:*** The proposal will not have an effect on agricultural or open space lands.

9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** The subject territory is within the sphere of influence of District No. 14.
11. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
12. ***Correspondence:*** No correspondence has been received.

CEQA: The negative declaration adopted by the City of Lancaster is adequate for consideration of this proposal.

Conclusion: It has been determined that the proposal will not have a significant effect on the environment. Should the subject territory not be annexed into the district, the landowners would have to use less efficient alternative means to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.

Recommended Action:

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Adopt the Resolution Making Determinations Approving Annexation No. 312 to County Sanitation District No. 14.
4. Pursuant to Government Code Section 57002, set July 23, 2008 at 9:00 a.m., as the date for Commission protest proceedings.

RESOLUTION NO. 2008-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
ANNEXATION NO. 312 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 for 323 existing 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 80.238± acres and is inhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 312 to County Sanitation District No. 14"; and

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

WHEREAS, on June 11, 2008, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Acting in its role as a responsible agency with the respect to Annexation No. 312, 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 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.
2. Annexation No. 312 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. The Commission hereby sets the protest hearing for July 23, 2008 at 9:00 a.m. and authorizes and directs the Executive Officer to give notice thereof pursuant to Government Code Sections 57025 and 57026.

4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 11th day of June 2008.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER
Executive Officer

Staff Report

June 11, 2008

Agenda Item No. 3c

Annexation No. 314 to County Sanitation District No. 14

The following is a request to annex 80.887± acres of inhabited territory to Los Angeles County Sanitation District No. 14.

Proposal Area: The annexation area consists of one existing single-family home and a residential tract containing 180 existing single-family homes, both located with a residential community.

Location: The subject territory is located on Avenue L approximately ¼ mile east of 70th Street West, all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is estimated at 529 residents.
2. ***Landowners:*** There are numerous landowners within the annexation territory.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is R-10,000; single-family residential with a minimum lot size of 10,000 square feet. The present land use and proposed land use is residential.
5. ***Surrounding Land Use:*** The surrounding land use is residential.
6. ***Assessed Value:*** The total assessed value is \$86,466,973.00.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is not currently serviced by the District. However, the area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the Lancaster Water Reclamation Plant 2020 Facilities Plan. The wastewater generated by the proposed project will be treated at the Lancaster Water Reclamation Plant (LWRP). The District will have adequate capacity to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.
8. ***Effects on agricultural or open-space lands:*** The proposal will not have an effect on agricultural or open space lands.

9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** The subject territory is within the sphere of influence of District No. 14.
11. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
12. ***Correspondence:*** No correspondence has been received.

CEQA: With respect to the existing single-family home, the annexation is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a), because it is an annexation containing existing structures developed to the density allowed by the current zoning. The negative declaration for the 180 existing single-family homes adopted by the City of Lancaster is adequate for consideration of this proposal.

Conclusion: It has been determined that the proposal will not have a significant effect on the environment. Should the subject territory not be annexed into the district, the landowners would have to use less efficient alternative means to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.

Recommended Action:

1. Open the public hearing and receive testimony on the matter.
2. There being no further testimony, close the public hearing.
3. Adopt the Resolution Making Determinations Approving Annexation No. 314 to County Sanitation District No. 14.
4. Pursuant to Government Code Section 57002, set July 23, 2008 at 9:00 a.m., as the date for Commission protest proceedings.

RESOLUTION NO. 2008-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
ANNEXATION NO. 314 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 for one existing single-family home and a residential tract consisting of 180 existing 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 80.887± acres and is inhabited; and

WHEREAS, the short-form designation given this proposal is “Annexation No. 314 to County Sanitation District No. 14”; and

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

WHEREAS, on June 11, 2008 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission finds that the one existing single-family home is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15319(a).
2. Acting in its role as a responsible agency with the respect to Annexation No. 314, 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 negative declaration for the 180 existing single-family homes 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. 314 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. The Commission hereby sets the protest hearing for July 23, 2008 at 9:00 a.m.
and authorizes and directs the Executive Officer to give notice thereof pursuant to
Government Code Sections 57025 and 57026.
5. The Executive Officer is hereby authorized and directed to mail certified copies of this
resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 11th day of June 2008.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER
Executive Officer

Staff Report

June 11, 2008

Agenda Item No. 4a

**Los Angeles County Waterworks District No. 40
Annexation No. 2006-05**

The proposal before you is a request to annex uninhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The project site consists of 30.66 ± acres of land.

Location: The site is generally located at the northwest corner of 40th Street West and Avenue I all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. *Population:* The current population is 0.
2. *Landowner:* Global Investment & Development, LLC.
3. *Topography, Natural Boundaries and Drainage Basins:* The terrain is flat with no vegetation.
4. *Zoning, Present and Future Land Use:* The R-7000 zoning is consistent with current City and County General Plans and no changes are anticipated. The subject territory is proposed to be developed as 125 single family dwelling units.
5. *Surrounding Land Use:* The surrounding territory is a combination of vacant and single-family residential.
6. *Assessed Value:* The total assessed value is \$2,962,500.00.
7. *Governmental Services and Control, Availability and Adequacy:*
The subject territory is all within the City of Lancaster; municipal services to the subject territory will be provided as outlined in the City's General Plan.
8. *Water Availability:*
The District has sufficient water supply to meet the needs of the proposal area.

9. *Effects on agricultural or open-space lands:* There are no agricultural or open space lands within the subject territory; therefore, the proposal will have no effect on agricultural or open space lands.
10. *Boundaries and Lines of Assessment:* The boundary of the proposed annexation conforms to recorded lines of assessment.
11. *Sphere of Influence:* The subject territory is within the sphere of influence of Los Angeles County Waterworks District No. 40.
12. *Tax Resolution:* All affected agencies have adopted a negotiated tax exchange resolution.
13. *Correspondence:* No correspondence has been received.

Alternate Course of Action:

There are no alternate courses of action at this time; the project will not be developed if the annexation is not approved.

CEQA: The City of Lancaster, as lead agency, adopted a Negative Declaration.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization and have requested that the Commission make its determination without notice and hearing. To date, no subject agency has submitted written demand for notice and hearing on this application.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, the subject agencies have not submitted written opposition to waiver of the protest proceedings.

Conclusion: The subject territory will be developed with 125 single-family homes. Annexation will allow future residents to receive a reliable source of water.

Recommended Action:

Adopt Resolution Making Determinations Approving and Ordering Annexation No. 2006-05 to Los Angeles County Waterworks District No. 40.

RESOLUTION NO. 2008-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
“ANNEXATION NO. 2006-05 TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40

WHEREAS, an application for the proposed annexation of certain territory in the City of Lancaster to the Los Angeles County Waterworks District No. 40, 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 30.66± acres of uninhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2006-05 to Los Angeles County Waterworks District No. 40;" 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 a reliable source of water to future inhabitants of the subject territory; and

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

WHEREAS on June 11, 2008 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted written opposition to a waiver of notice and hearing requirements.

Based thereon, notice and hearing requirements are waived.

2. The Commission, acting in its role as a responsible agency with respect to Annexation 2006-05 to Los Angeles County Waterworks District No. 40, 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 Negative Declaration adopted by the City of Lancaster, as lead agency, and has determined that the document adequately addresses the environmental 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 findings, previously adopted by the City of Lancaster, in connection with its approval of the project.

3. 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 Los Angeles County Waterworks District No. 40 may legally impose.
 - b. The regular County assessment roll is utilized by the Los Angeles County Waterworks District No. 40.
 - c. The territory will not be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

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. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40.

6. 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 11th day of June 2008.

Ayes:

Noes:

Absent:

Abstain:

Sandor L. Winger
Executive Officer

Staff Report

June 11, 2008

Agenda Item No. 4b

**Los Angeles County Waterworks District No. 40
Annexation No. 2006-06**

The proposal before you is a request to annex uninhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The project site consists of 30.43± acres of land.

Location: The site is generally located between on the southwest corner of 30th Street East and Avenue K and south to Avenue K-4 all within the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. *Population:* The current population is 0.
2. *Landowner:* Avenue K and 30th Street East, LLC.
3. *Topography, Natural Boundaries and Drainage Basins:* The terrain is flat with no basins and slopes are 2:1 or flatter.
4. *Zoning, Present and Future Land Use:* The subject territory is currently zoned as R7-Urban Residential-Low Density-Single-Family Residential, however, the future or proposed land use will be R10-Transitional Density-Single-Family Residential. The subject territory is consistent with current City and County General Plans. The subject territory is proposed to be developed as 45 single family dwelling units.
5. *Surrounding Land Use:* The surrounding territory is vacant.
6. *Assessed Value:* The total assessed value is \$661,581.00.
7. *Governmental Services and Control, Availability and Adequacy:*
The subject territory is all within the City of Lancaster; municipal services to the subject territory will be provided as outlined in the City's General Plan.
8. *Water Availability:*
The District has sufficient water supply to meet the needs of the proposal area.

9. *Effects on agricultural or open-space lands:* There are no agricultural or open space lands within the subject territory, therefore, the proposal will have no effect on agricultural or open space lands.
10. *Boundaries and Lines of Assessment:* The boundary of the proposed annexation conforms to recorded lines of assessment.
11. *Sphere of Influence:* The subject territory is within the sphere of influence of Los Angeles County Waterworks District No. 40.
12. *Tax Resolution:* All affected agencies have adopted a negotiated tax exchange resolution.
13. *Correspondence:* No correspondence has been received.

Alternate Course of Action:

There are no alternate courses of action at this time; the project will not be developed if the annexation is not approved.

CEQA: The City of Lancaster, as lead agency, adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization and have requested that the Commission make its determination without notice and hearing. To date, no subject agency has submitted written demand for notice and hearing on this application.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, the subject agencies have not submitted written opposition to waiver of the protest proceedings.

Conclusion: The subject territory will be developed with 45 single-family homes. Annexation will allow future residents to receive a reliable source of water.

Recommended Action:

Adopt Resolution Making Determinations Approving and Ordering Annexation No. 2006-06 to Los Angeles County Waterworks District No. 40.

RESOLUTION NO. 2008-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
“ANNEXATION NO. 2006-06 TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40

WHEREAS, an application for the proposed annexation of certain territory in the City of Lancaster to the Los Angeles County Waterworks District No. 40, 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 30.43± acres of uninhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2006-06 to Los Angeles County Waterworks District No. 40;" 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 a reliable source of water to future inhabitants of the subject territory; and

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

WHEREAS on June 11, 2008 at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted written opposition to a waiver of notice and hearing requirements.

Based thereon, notice and hearing requirements are waived.

2. The Commission, acting in its role as a responsible agency with respect to Annexation 2006-06 to Los Angeles County Waterworks District No. 40, 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 and Mitigation Monitoring Plan adopted by the City of Lancaster, as lead agency, and has determined that the document adequately addresses the environmental 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 findings, previously adopted by the City of Lancaster, in connection with its approval of the project.

3. 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 Los Angeles County Waterworks District No. 40 may legally impose.
- b. The regular County assessment roll is utilized by the Los Angeles County Waterworks District No. 40.
- c. The territory will not be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

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. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.

5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40.

6. 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 11th day of June 2008.

Ayes:

Noes:

Absent:

Abstain:

Sandor L. Winger
Executive Officer

Staff Report

June 11, 2008

Agenda Item No. 4c

Annexation No. 262 to Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD)

The following is a request to annex 39.723± acres of uninhabited territory to the Santa Clarita Valley Sanitation District of Los Angeles County.

Proposal Area: The annexation consists of vacant land, located within vacant and residential areas. The territory is currently being developed to include 19 proposed single-family homes and one proposed open-space lot.

Location: The subject territory is located approximately 1 ¾ miles southwest from the intersection of Pico Canyon Road and the Golden State (I-5) Freeway, all within unincorporated County territory.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 0.
2. ***Landowners:*** Tracey & Dana Kellstrom.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is hillside.
4. ***Zoning, Present and Future Land Use:*** The current zoning is A-2-2; Heavy Agriculture with a minimum lot size of two acres. The present land use is vacant. The proposed land use is residential.
5. ***Surrounding Land Use:*** The surrounding land use is residential and commercial.
6. ***Assessed Value:*** The total assessed value is \$1,712,432.00.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is not currently serviced by the District. However, the area was included in the future service area that might be served by the District and the District's future wastewater management needs were addressed in the 2015 Santa Clarita Valley Joint Sewerage Facilities Plan and EIR. The wastewater generated by the proposed project will be treated by the Santa Clarita Valley Joint Sewerage System which is comprised of the Saugus and Valencia Water reclamation plants. The District will have adequate capacity to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.

8. ***Effects on agricultural or open-space lands:*** The proposal will not have an effect on agricultural lands. The proposed annexation includes an open space lot but will not have an effect on open space lands.
9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed annexation conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** The subject territory is within the sphere of influence of the SCVSD.
11. ***Tax Resolution:*** All affected agencies have adopted a negotiated tax exchange resolution.
12. ***Correspondence:*** No correspondence has been received.

CEQA: The mitigated negative declaration adopted by the County is adequate for consideration of this proposal.

Waiver of Notice and Hearing: Pursuant to Government Code Section 56663(a) all owners of land within the affected territory have consented to the change of organization. To date, no subject agency has submitted written demand for notice and hearing on this application pursuant to Government Code Section 56663(b). Based thereon, the Commission may conduct proceedings for the change of organization or reorganization without notice and hearing.

Waiver of Protest Hearing: Pursuant to Government Code Section 56663(c) all owners of land within the affected territory have consented to the change of organization. To date, the subject agencies have not submitted written opposition to waiver of the protest proceedings.

Conclusion: It has been determined that, with the imposition of mitigation measures, the project will not have a significant effect on the environment. Should the subject territory not be annexed into the district, the landowners would have to use less efficient alternative means to collect, treat, and dispose of the wastewater anticipated to be generated by the subject territory.

Recommended Action:

1. Adopt Resolution Making Determinations Approving and Ordering Annexation No. 262 to the Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD).

RESOLUTION NO. 2008-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
ANNEXATION NO. 262 ANNEXED TO
SANTA CLARITA VALLEY SANITATION DISTRICT
OF LOS ANGELES COUNTY (SCVSD)

WHEREAS, the SCVSD 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 unincorporated County territory; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for 19 proposed single-family homes and one proposed open-space lot; 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 39.723± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 262 to SCVSD"; and

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

WHEREAS, on June 11, 2008, at its regular meeting this Commission considered the proposal and the report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - a. All owners of land within the affected territory have given their written consent to the change of organization; and
 - b. No subject agency has submitted written opposition to a waiver of notice and hearing requirements.

Based thereon, notice and hearing requirements are waived.

2. Acting in its role as a responsible agency with the respect to Annexation No. 262, 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 County 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. 262 to the SCVSD 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. No subject agency has submitted written opposition to a waiver of protest proceedings.

Based thereon, protest proceedings are waived.
5. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the SCVSD.
6. 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.

Resolution No. 2008-00RMD
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PASSED AND ADOPTED this 11th day of June 2008.

Ayes:

Noes:

Absent:

Abstain:

SANDOR L. WINGER
Executive Officer

Legal Counsel Report

June 11, 2008

Agenda Item No. 5c

Report on Las Lomas Court Decision

On May 20, 2008, in an unpublished opinion, the California Court of Appeals affirmed the trial court's rulings in favor of the Las Lomas Land Company, LLC, (Las Lomas) challenging a negative declaration adopted by the City of Santa Clarita in the City's attempt to expand its sphere of influence to include a portion of territory comprising the proposed Las Lomas Project between the 5 and 14 Freeways, north of the City of Los Angeles and south of the City of Santa Clarita.

In mid-2002 the Las Lomas Land Company started the California Environmental Quality Act (CEQA) review process for its proposed development project. Las Lomas submitted an environmental assessment to the City of Los Angeles, which then published a Notice of Preparation of an environmental impact report (EIR) for the project.

In December, 2002, the Santa Clarita City Council adopted a Resolution declaring that any development in the Los Lomas project area would have a significant environmental impact. The Santa Clarita City Council also approved a Resolution initiating annexation proceedings over an 825-acre area encompassing the Las Lomas site. Santa Clarita filed an application with LAFCO seeking approval of its annexation and a related Sphere of Influence Amendment. The initial study prepared by Santa Clarita indicated that Santa Clarita's zoning would allow construction of up to 560 residential units on the Las Lomas site. Notwithstanding its declaration that any development in the Los Lomas project area would have a significant environmental impact, Santa Clarita did not prepare an EIR for its application to LAFCO, but instead relied on a Negative Declaration.

In April, Las Lomas filed its first petition for a writ of mandate (Las Lomas I), challenging Santa Clarita's adoption of a Negative Declaration in support of its application to annex a portion of the territory comprising the proposed Las Lomas Project, which Las Lomas itself sought to be annexed to the City of Los Angeles. The trial court in Las Lomas I found that Santa Clarita violated CEQA by failing to prepare an EIR for the "project," which included the City's pre-zoning of the territory and approval of its application for a sphere of influence amendment and annexation of the territory to Santa Clarita. The trial court found that the record contained substantial evidence to support a fair argument that the proposed annexation may have significant impacts on the environment and therefore, required an EIR. The trial court ordered that Santa Clarita must prepare an EIR in any subsequent processing of the "project."

When Santa Clarita instead attempted to apply to LAFCO for a sphere of influence amendment only, again using a negative declaration, Las Lomas sought to enforce the earlier ruling of the trial court.

Las Lomas also filed a second petition for a writ of mandate (Las Lomas II), in which Las Lomas directly challenged Santa Clarita's adoption of a negative declaration in support of its application for a sphere of influence amendment on the grounds that it also violated CEQA.

The trial court granted both Las Lomas's motion to enforce the writ in Las Lomas I and the trial court's granting of the Las Lomas II petition for a new writ of mandate. Santa Clarita appealed the trial court's rulings.

The Court of Appeal upheld the trial court's determination that the City's negative declaration for its proposed sphere of influence amendment violated the earlier trial court order. The trial court found that any processing of any part of the "project" required an EIR. On this point, the Court of Appeal noted that Santa Clarita failed to brief the issues relating to the trial court's Las Lomas I ruling, and therefore, waived those issues.

With respect to the Las Lomas II petition, the Court of Appeal found that Santa Clarita should have prepared an EIR for the sphere of influence amendment because the record contained substantial evidence to support a fair argument that the proposed sphere of influence amendment may have significant impacts on the environment because the record showed that the sphere of influence amendment was in furtherance of Santa Clarita's overall plan to annex the territory.