

**LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING AGENDA**

Wednesday, February 9, 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. Request from Los Angeles County Waterworks District No. 40 (Antelope Valley), for approval of an Out-of-Agency Water Agreement with Empire Land, LLC, to provide residential and commercial water related services for Phase I of the Anaverde, LLC Master Planned Community., in the City of Palmdale.

4. **OTHER ITEMS**

- a. Los Angeles County Waterworks Districts Pre-Hearing for County Waterworks District No. 40 - Annexation No. 2005-02
Upon receipt of any proposed change of (re)organization 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.
- b. Municipal Service Reviews and Spheres of Influence Update.
- c. Approve minutes of the meeting held January 26, 2005.
- d. Update on pending applications.

5. **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.

6. **FUTURE MEETINGS**

February 23, 2005

March 9, 2005

7. **MISCELLANEOUS**

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.

8. **ADJOURNMENT MOTION**

Staff Report

February 9, 2005

Los Angeles County Waterworks District No. 40 Request for Approval of an Out-of-Agency Water Service Agreement - Empire Land, LLC

Agenda Item No. 3a

The item before you is a request by Los Angeles County Waterworks District No. 40 (the District) for approval of an out-of-agency water service agreement with Empire Land, LLC, pursuant to Government Code Section 56133(b). The agreement will allow the District to provide residential and commercial water related services outside its municipal boundary in anticipation of the Commission's approval of the annexation proposal.

Proposal: The subject territory consists of Phase I of the Anaverde, LLC Master Planned Community. The project site is generally located south of Elizabeth Lake Road and west of 20th Street West, in the City of Palmdale.

Issues: Los Angeles County Waterworks District No. 40 has filed the requisite annexation application for the entire 371 acres of the Anaverde, LLC project. However, homes builders are in the process of building out their respective communities in Phase I and homes will be available for occupancy prior to completion of the annexation process.

Infrastructure has been completed to date to service 700 homes. The balance of infrastructure is in-process for Phase I, with an estimated completion date of April 2005.

Sphere of Influence: The subject territory is currently within the sphere of influence of the District.

CEQA: The City of Palmdale, as lead agency, has adopted an environmental impact report for this project and made a determination that the project will have a significant impact on the environment in specified areas. The City adopted a Statement of Overriding Considerations for the project.

Recommended Action

1. Open hearing and receive public testimony.
2. Upon completion of the hearing, close the hearing.

3. Acting in its role as a responsible agency with respect to approval of this project, and under State CEQA Guidelines Section 15096, LAFCO certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and the environmental impact report adopted by the City of Palmdale, as lead agency, and has determined that the document adequately addresses the environmental impacts of the project. LAFCO 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 impact report and statement of overriding considerations, previously prepared by the lead agency, in connection with its approval of the project.

4. Pursuant to Government Code Section 56133(b), authorize Los Angeles County Waterworks District No. 40 to provide new or extended services outside jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization, and to enter into an out-of-agency water service agreement with Empire Land, LLC.

Staff Report

Informational Items

February 9, 2005

Los Angeles County Waterworks Districts Pre-Hearing

Agenda Item No. 4a

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 require 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 annexation proposals filed with LAFCO:

a) **County Waterworks District No. 40 - Annexation No. 2005-02**

Project Description

On January 25, 2005, Timber Properties filed a landowner petition for annexation of 20 acres of vacant land to Los Angeles County Waterworks District No. 40. The proposed land use is rural residential.

Project Location

The subject territory is located on the northeastern corner of Avenue H-8 and 75th Street West, City of Lancaster.