

**LOCAL AGENCY FORMATION COMMISSION
MEETING AGENDA**

Wednesday, December 9, 2009
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.

The entire agenda package and any meeting related writings or documents provided to a majority of the Commissioners after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are available at the LAFCO office and at www.lalafco.org.

1. **CALL MEETING TO ORDER.**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIRMAN GLADBACH.**
3. **PUBLIC HEARINGS**
 - a. Los Angeles County Sanitation District No. 35 – Dissolution No. 2009-10.
 - b. Los Angeles County Waterworks District No. 40 – Annexation No. 2004-14.
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. Annexation No. 2009-15 to Los Angeles County Waterworks District No. 40.

5. **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. Santa Clarita Valley Sanitation District of Los Angeles County – Annexation No. 1041.
- b. Santa Clarita Valley Sanitation District of Los Angeles County – Annexation No. 1043.
- c. Approve Minutes of November 18, 2009.
- d. Operating Account and Check Register of the month of November 2009.
- e. Receive and file update on pending applications.

6. **OTHER ITEMS**

- a. Incorporation Proposals
 - 1) East Los Angeles:
 - (i) Extension of Consultant’s proposal for Comprehensive Fiscal Analysis (CFA).
 - (ii) Proposed final extension of the deadline for the deposit of the costs for the CFA – discussion/action.
 - 2) Rowland Heights

7. **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.

8. **FUTURE MEETINGS**

January 13, 2010
February 10, 2010
March 10, 2010
April 14, 2010

9. **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.

10. **ADJOURNMENT MOTION**

Staff Report

December 9, 2009

Agenda Item No. 3a.

Dissolution of County Sanitation District No. 35 - Acton (Dissolution No. 2009-10)

The following is a request to dissolve 6,247.68± acres of inhabited territory from Los Angeles County Sanitation District No. 35.

Location: The subject territory is located northwest of the San Gabriel Mountains near Angeles National Forest, south of the Sierra Pelona Mountains near Big Mountain Ridge, northeast of the City of Santa Clarita, and southeast of the Cities of Palmdale and Lancaster, all within the unincorporated community of Acton.

Background: County Sanitation District No. 35 was formed in November 1970, but has remained inactive and does not own or operate any sewerage facilities. The Los Angeles County General Plan and the Antelope Valley Area Plan Update adopted after the formation of County Sanitation District No. 35, provide for a low density, rural development that does not require the services of a regional sanitation system. Because the District is inactive and does not own or operate any facilities, there is no current need for a regional sewerage system. The Acton Town Council has requested that the County Sanitation Districts of Los Angeles County dissolve District No. 35.

Factors to be Considered Pursuant to Government Code Section 56668:

1. **Population:** The current population is 9,175 residents.
2. **Landowner(s):** There are numerous owners of record within the dissolution area.
3. **Topography, Natural Boundaries and Drainage Basins:** The topography is rolling terrain.
4. **Zoning, Present and Future Land Use:** The present land use is Rural Residential, Agricultural, Commercial, and Vacant.
5. **Surrounding Land Use:** The surrounding land use is Rural Residential, Agricultural, Commercial, and Vacant.
6. **Assessed Value:** The total assessed value is \$490,817,218.
7. **Government Services and Control, Availability and Adequacy:** The subject territory is not currently being serviced by the District. No sewerage service is planned for the future.
8. **Effects on agricultural or open-space lands:** This proposal will not have any effects on agricultural or open-space lands.

9. ***Boundaries and Lines of Assessment:*** The boundary of the proposed dissolution conforms to the recorded lines of assessment.
10. ***Sphere of Influence:*** NA.
11. ***Tax Resolution:*** The District has never received any property taxes, and therefore, a tax exchange resolution is unnecessary.
12. ***Correspondence:*** County Sanitation Districts of Los Angeles received a letter from the Los Angeles County Board of Supervisors, Office of Michael Antonovich, in support of Dissolution of District No. 35.

CEQA: Dissolution of District No. 35 is not subject to the provisions of the California Environmental Quality Act (CEQA) because, pursuant to State CEQA Guidelines Section 15378(b)(5), an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment is not a “project” for purposes of CEQA.

Conclusion: There are no future development plans for the long term sewerage needs of the Acton area. Dissolving County Sanitation District No. 35 will eliminate any unnecessary costs of the District.

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 Dissolution of Los Angeles County Sanitation District No. 35 (No. 2009-10).
4. Pursuant to Government Code Section 57002, set January 13, 2010 at 9:00 a.m., as the date for Commission protest proceedings.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
"DISSOLUTION OF LOS ANGELES COUNTY SANITATION DISTRICT NO. 35
(No. 2009-10)"

WHEREAS, the County Sanitation District No. 35 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 dissolution of territory located within the unincorporated community of Acton; and

WHEREAS, the principal reason for the proposed dissolution is to eliminate any unnecessary costs of the 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 territory consists of 6,247.68± acres and is inhabited; and

WHEREAS, the short-form designation given this proposal is "Dissolution of County Sanitation District No. 35"; and

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

WHEREAS, on December 9, 2009, 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 the dissolution is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b)(5).
2. Dissolution of County Sanitation District No. 35 is hereby approved subject to the following terms and conditions:
 - a. The County of Los Angeles will be designated as the successor for the purpose of winding up the affairs of the District pursuant to Government Code Section 57451(b).
 - b. The County of Los Angeles will be responsible for the distribution of assets of the dissolved District pursuant to Government Code Section 574579(b).
 - c. The remaining funds of \$4,886.83, as of November 12, 2009, will be placed in a segregated account in the name of Los Angeles County Department of Public Works to be used solely for projects servicing the community of Acton.
3. The Commission hereby sets the protest hearing for January 13, 2010 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 9th day of December 2009.

Ayes:

Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

SANDOR L. WINGER,
Executive Officer

Staff Report

December 9, 2009

Agenda Item No. 3b.

**Los Angeles County Waterworks District No. 40
Annexation No. 2004-14**

The proposal before you is a request to annex 30.5± acres of inhabited territory into the boundary of the Los Angeles County Waterworks District No. 40.

Proposal Area: The project site consists of 120 existing homes.

Location: The site is located at the northeast corner of Lancaster Blvd. and 35th Street East, in the City of Lancaster.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 120.
2. ***Landowner:*** There are numerous landowners within the annexation area.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The terrain is generally flat.
4. ***Zoning, Present and Future Land Use:*** The territory is zoned R-7000 and the present and future land use is single family residential.
5. ***Surrounding Land Use:*** The surrounding territory is single family residential and vacant land.
6. ***Assessed Value:*** The total assessed value is \$838,318.
7. ***Governmental Services and Control, Availability and Adequacy:*** The City of Lancaster will provide services as provided for in the City's General Plan.
8. ***Water Availability:*** The District is currently servicing the homes and has sufficient water supply to meet the needs of the proposal area. The landowner has built the water system to the District's specifications and interconnected with an existing water main. The system will eventually be dedicated to the District.
9. ***Effects on agricultural or open-space lands:*** Currently, there is no open space, or agricultural lands within the subject or surrounding territory.

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 foreseeable alternate courses of action.

CEQA: The City of Lancaster, as lead agency, adopted a Mitigated Negative Declaration for the project.

Conclusion: The subject territory was developed into 120 single family homes. Annexation will allow inhabitants to receive a reliable source of water.

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 Resolution Making Determinations Approving Annexation No. 2004-14 to Los Angeles County Waterworks District No. 40.
4. Pursuant to Government Code Section 57002, set January 13, 2010 at 9:00 a.m., as the date for Commission protest proceedings.

**RESOLUTION NO. 2009-RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING
"ANNEXATION NO. 2004-14 TO
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 30.5 ± acres of inhabited territory in the City of Lancaster, and is assigned the following distinctive short form designation: "Annexation No. 2004-14 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 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 December 9, 2009, 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, acting in its role as a responsible agency with respect to Annexation 2004-14 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 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 certified by the City of Lancaster, in connection with its approval of the project.

2. 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 be taxed for existing bonded indebtedness of the Los Angeles County Waterworks District No. 40.

3. The Commission hereby sets the protest hearing for January 13, 2010 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 the resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 9th day of December 2009.

Ayes:

Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

**SANDOR L. WINGER,
Executive Officer**

Staff Report

December 9, 2009

Agenda Item No. 4a.

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 purposes 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 – Annexation No. 2009-15*
Eastside Union School District, landowner filed an application to annex 5.03 acres of vacant land into the boundary of Los Angeles County Waterworks District No. 40 for the future construction of a school.

Project Location - The project site is located at the southeast corner of Kettering St and 30th Street East, in the City of Lancaster.

Staff Report

December 9, 2009

Agenda Item No. 5a.

Annexation No. 1041 to Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD)

The following is a request to annex 2.712± acres of uninhabited territory to the SCVSD.

Proposal Area: The annexation consists of vacant land, located within a vacant area. The territory is currently being developed to include one proposed church.

Location: The subject territory is located on Sierra Highway approximately 900 feet north of Soledad Canyon Road and immediately south of Dolan Way, all within the City of Santa Clarita.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 0.
2. ***Landowner(s):*** Santa Clarita Christian Fellowship.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is sloped in a northerly direction with an average cross slope of 33%.
4. ***Zoning, Present and Future Land Use:*** The current zoning Community Commercial [CC] with a Planned Development [PD] overlay. The present land use is vacant. The proposed land use is commercial.
5. ***Surrounding Land Use:*** The surrounding land use is commercial and residential.
6. ***Assessed Value:*** The total assessed value is \$668,561.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is not currently being serviced by the District. However, the area was included in the future service area that might be served by the SCVSD and the SCVSD'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 SCVSD will have adequate capacity to collect, treat, and dispose of the wastewater 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 the SCVSD.

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 Santa Clarita 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, no subject agency has submitted written opposition to waiver of the protest proceedings.

Conclusion: Should the subject territory not be annexed into the SCVSD, 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 the Resolution Making Determinations Approving and Ordering Annexation No. 1041 to the SCVSD.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 1041 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 the City of Santa Clarita; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for one proposed church; 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 2.712± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 1041 to the SCVSD"; and

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

WHEREAS, on December 9, 2009, 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 a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. Acting in its role as a responsible agency with the respect to Annexation No. 1041, 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 Santa Clarita 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. 1041 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 SCVSD may legally impose.
 - b. The regular County assessment roll is utilized by the SCVSD.

- c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the SCVSD.
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 SCVSD, upon the SCVSD'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. 2009-00RMD
Page 4

PASSED AND ADOPTED this 9th day of December 2009.

Ayes:

Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

SANDOR L. WINGER, Executive Officer

Staff Report

December 9, 2009

Agenda Item No. 5b.

**Annexation No. 1043 to Santa Clarita Valley
Sanitation District of Los Angeles County (SCVSD)**

The following is a request to annex 1.177± acres of uninhabited territory to the SCVSD.

Proposal Area: The annexation consists of one existing single-family home, located within a residential community.

Location: The subject territory is located on Placeritos Boulevard and Meadview Avenue, all within the City of Santa Clarita.

Factors to be Considered Pursuant to Government Code Section 56668:

1. ***Population:*** The current population is 3 residents.
2. ***Landowner(s):*** John & Sondra Lombardo.
3. ***Topography, Natural Boundaries and Drainage Basins:*** The topography is flat.
4. ***Zoning, Present and Future Land Use:*** The current zoning is RL; Residential Low with up to 2.2 dwelling units per acre. The present and proposed land use is residential.
5. ***Surrounding Land Use:*** The surrounding land use is residential.
6. ***Assessed Value:*** The total assessed value is \$948,939.
7. ***Governmental Services and Control, Availability and Adequacy:*** The subject territory is already being serviced by the SCVSD. The area was included in the future service area that might be served by the SCVSD and the SCVSD's future wastewater management needs were addressed in the 2015 Santa Clarita Valley Joint Sewerage Facilities Plan and EIR. The wastewater generated by the annexation is being treated by the Santa Clarita Valley Joint Sewerage System, which is comprised of the Saugus and Valencia Water reclamation plants. The SCVSD has adequate capacity to collect treat, and dispose of the wastewater 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 the SCVSD.

11. **Tax Resolution:** All affected agencies have adopted a negotiated tax exchange resolution.

12. **Correspondence:** No correspondence has been received.

CEQA: Annexation of 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), because it is an annexation containing existing structures developed to the density allowed by the current zoning.

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, no subject agency has submitted written opposition to waiver of the protest proceedings.

Conclusion: Should the subject territory not be annexed into the SCVSD, 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 the Resolution Making Determinations Approving and Ordering Annexation No. 1043 to the SCVSD.

RESOLUTION NO. 2009-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR LOS ANGELES COUNTY
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 1043 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 the City of Santa Clarita; and

WHEREAS, the principal reason for the proposed annexation is to provide offsite sewage disposal for one existing single-family home; 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 1.177± acres and is uninhabited; and

WHEREAS, the short-form designation given this proposal is "Annexation No. 1043 to the SCVSD"; and

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

WHEREAS, on December 9, 2009, 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 a written demand for notice and hearing on this proposal.

Based thereon, notice and hearing requirements are waived.

2. The Commission finds that the annexation of 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).
3. Annexation No. 1043 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 SCVSD may legally impose.
 - b. The regular County assessment roll is utilized by the SCVSD.
 - c. The affected territory will be taxed for existing general bonded indebtedness, if any, of the SCVSD.
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 SCVSD, upon the SCVSD'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 9th day of December 2009.

Ayes:

Noes:

Absent:

Abstain:

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

SANDOR L. WINGER, Executive Officer

Staff Report

December 9, 2009

Agenda Item No. 6.a.1.ii

East Los Angeles Proposed Incorporation Extension of Payment for Comprehensive Fiscal Analysis (CFA)

Agenda Item No. 6.a.1.ii is a request to the Commission to grant an extension of time to the East Los Angeles Residents Association's (ELARA) to deposit funding for the CFA and other incorporation costs to the proposed final date of April 29, 2010.

Background: On April 29, 2009, after obtaining a sufficient number of valid petition signatures, ELARA (proponents) submitted an application to LAFCO proposing incorporation of the East Los Angeles area. On several occasions prior to this date staff made the proponents aware that they would be responsible for financing the CFA, environmental documentation in compliance with the California Environmental Quality Act, filing fees, legal costs, and other incidental costs associated with filing the application. The Executive Officer informed them that the estimated amount for the CFA would be approximately \$100,000 to \$150,000 and he further recommended that funds be raised prior to submitting the application because payment would be required upon execution of the consultant contract for the CFA.

The Commission approved staff's recommendation to award the CFA contract to Economic & Planning Systems, Inc. (EPS), with an intended contract starting date of June 22, 2009. No contract has been entered into because ELARA has not deposited the funds necessary to pay for the CFA and other associated costs. ELARA has requested three extensions of time to deposit the necessary funds with LAFCO; the last request was submitted on September 8, 2009, requesting an additional 90-day extension. ELARA has now requested another 90-day extension.

EPS has been gracious in extending its commitment to prepare the CFA at the proposed contract price each time ELARA has requested an extension. In a conversation with Mr. Richard Berkson, he indicated that given today's economic situation, EPS would agree to ELARA's most recent request, but EPS would not honor any further extensions of its commitment to the proposed CFA contract price of \$134,710. EPS has agreed to extend the proposed contract price to a final deadline of April 29, 2009, which is one year from the date of submittal of ELARA's original application.

Pursuant to Government Code section 56383(c), the Commission may require that an applicant deposit some or all of the required amount that will be owed before any further action is taken, and may require that the deposit be made within a certain time period.

Conclusion and Recommended Action: The Executive Officer feels that one-year is a reasonable time to expect payment from the proponents for the CFA and requests that the Commission agree to provide ELARA with a further extension for the deposit of funds to pay for the processing of the incorporation application to the final date of April 29, 2009, with no further extensions to be granted.