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February 13, 2008 (Agenda)

Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

**East County Water and Wastewater Services – Sphere of Influence Update
East Contra Costa Irrigation District**

Dear Members of the Commission:

SUMMARY

In December 2007, the Commission adopted the Municipal Services Review (MSR) and required determinations for the East County water and wastewater services providers. The East County Water and Wastewater MSR covered the following agencies: cities of Antioch, Brentwood and Pittsburg, County Service Area (CSA) M-28, Delta Diablo Sanitation District (DDSD), Diablo Water District (DWD), East Contra Costa Irrigation District (ECCID) and Ironhouse Sanitary District (ISD).

In conjunction with the MSR, the Commission also updated the spheres of influence (SOIs) for CSA M-28, DWD, and ISD. The SOI options and recommendations for the multi-purpose agencies (i.e., cities) will be included in the general service sub-regional reviews, scheduled for completion later this year.

The Commission deferred SOI action for DDSD and ECCID and directed staff to conduct additional research relating to the SOI options identified in the MSR.

Staff has completed research relating to the ECCID SOI issues; however, research relating to DDSD is ongoing.

DISCUSSION

ECCID was established in 1926 under the Irrigation District Law (California Water Code §20500 et seq.). The District's boundaries encompass approximately 40 square miles and include the City of Brentwood, the unincorporated community of Knightsen, portions of the cities of Oakley and Antioch, and some unincorporated area south of Antioch and east of Brentwood. ECCID's SOI is coterminous with its boundaries.

The District supplies irrigation water for agricultural, landscape, recreational and construction uses, as well as raw water for treatment and delivery to urban areas and drainage services. ECCID has a 1912 appropriative right to divert water from Indian Slough on Old River.

The MSR identified the following four SOI options for ECCID:

1. Retain the existing SOI

2. **Expand the SOI to include potential new direct agricultural service areas:** In the recent past, ECCID has had discussions with property owners in three adjacent areas regarding future direct agricultural or recreation and landscape services. These areas consist of Dutra Ranch to the south, Ceres Ranch to the northeast, and Ginocchio Ranch to the west.

It should be noted that ECCID is currently working with the landowner on a boundary change application for the Dutra Ranch property. The property owner has prepared the CEQA document for this project. District staff has expressed no interest in changing the District's SOI, other than as related to the pending Dutra application. The ECCID Board recently directed its staff to prepare a detailed assessment of the District's future water needs, for their review and consideration, before the District considers any additional boundary changes and after processing the Dutra application.

3. **Expand the SOI to include the Roddy Ranch urban development area:** The Roddy Ranch urban area lies within the boundaries of the Contra Costa Water District (CCWD). Under the water sales agreement between CCWD and ECCID, CCWD is entitled to purchase up to 8,200 acre feet (af) of water from ECCID annually for use within the area that overlaps the two agencies. The Roddy Ranch reorganization area is not within the overlap area. Based on current demand and growth within the overlap area, CCWD is able to fully utilize its 8,200 af annual entitlement. The MSR report indicates that should ECCID make additional surplus water available for municipal and industrial use purposes in the future, it may benefit CCWD customers and enhance reliability of the water supply.

It should be noted that ECCID, CCWD AND City of Antioch staff indicate that additional ECCID water is not needed to serve the Roddy Ranch urban development area at this time.

4. Reduce the SOI

At the December 19 LAFCO meeting, MSR consultant (Dudek) and LAFCO staff presented the MSR report and SOI options and recommendations. Both Dudek and LAFCO staff recommended retaining the existing SOI indicating that 1) ECCID's prime purpose is to provide agricultural water service; and 2) expansion of ECCID's SOI is not needed, as the Roddy Ranch development area is already within the City of Antioch, CCWD and DDSD service areas. Further, expansion of the SOI is considered a "project" under CEQA and subject to CEQA review. LAFCO staff explained that there are costs associated with such a review, and that this action could establish a precedent. Further, the County, all cities and independent special districts fund the LAFCO budget, and would thus, be contributing the this project. Finally, should an SOI expansion be desired, it would be more appropriate for either an affected agency or landowner to file an application, along with the appropriate CEQA review, to LAFCO. The MSR could be used to support the SOI application.

The Commission discussed the SOI options and directed LAFCO staff to research whether a current CEQA document(s) exists which could support one or both SOI expansions.

LAFCO contacted ECCID, the County Planning Department and the City of Antioch. None of the agencies were aware of an existing CEQA document that could support the SOI expansions.

Provisions for updating SOIs are contained in the CKH Act. In adopting or updating an SOI, the Commission must make determinations concerning the following:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.

- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- When adopting, amending or updating an SOI for a district, LAFCO must establish the nature, location and extent of any functions or classes of service.

These factors must be addressed in the CEQA document in order to support an SOI expansion.

At this time, should the Commission wish to expand the District's SOI, then LAFCO would serve as Lead Agency under CEQA and would need to prepare the appropriate CEQA document. The first step involves preparation of an Initial Study to determine the type of CEQA document needed (e.g., Negative Declaration, EIR, etc.).

The Commission could choose to use the new LAFCO Planners (Lamphier-Gregory) or direct LAFCO staff to prepare and circulate a Request for Proposals.

FINANCING

The cost associated with preparing an Initial Study is estimated to range between \$10,000 and \$25,000. The costs associated with preparing a Negative Declaration or EIR are currently unknown. Should the Commission choose to have an Initial Study prepared, staff would report back following the Initial Study, as to what type of further CEQA document may be needed.

RECOMMENDATIONS

Option I

- a. As Lead Agency, determine that the SOI update affirming the existing SOI for the East Contra Costa Irrigation District (ECCID) is exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and
- b. Adopt the attached resolution updating the SOI for ECCID and retaining the existing SOI.

Option II

Direct LAFCO staff to either:

1. Prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include *potential new direct agricultural service areas* as identified in the East County Water and Wastewater Services MSR report using the LAFCO Planners, **OR**
2. Prepare and circulate a Request for Proposals to prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include *potential new direct agricultural service areas* as identified in the East County Water and Wastewater Services MSR report.

Option III

Direct LAFCO staff to either:

1. Prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include the ***Roddy Ranch urban development area*** as identified in the East County Water and Wastewater Services MSR report using the LAFCO Planners, **OR**
2. Prepare and circulate a Request for Proposals to prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include the ***Roddy Ranch urban development area*** as identified in the East County Water and Wastewater Services MSR report.

Option IV

Direct LAFCO staff to either:

1. Prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include ***potential new direct agricultural service areas AND the Roddy Ranch urban development area*** as identified in the East County Water and Wastewater Services MSR report using the LAFCO Planners, **OR**
2. Prepare and circulate a Request for Proposals to prepare an Initial Study pursuant to CEQA relating to expansion of ECCID's SOI to include ***potential new direct agricultural service areas AND the Roddy Ranch urban development area*** as identified in the East County Water and Wastewater Services MSR report.

Option V

If the Commission needs more information, it should CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachments

Draft Resolution and SOI Update for ECCID

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
EAST CONTRA COSTA IRRIGATION DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of East County water and wastewater services, including those provided by the East Contra Costa Irrigation District (ECCID) and adopted written determinations as required by Government Code §56430 on December 19, 2007; and

WHEREAS, the Commission continued discussion on the ECCID SOI update pending additional information; and

WHEREAS, ECCID supplies irrigation water for agricultural, landscape and recreational use as well as raw water for treatment and delivery to urban areas. The District also provides agricultural land drainage; and

WHEREAS, the District's service area includes the City of Brentwood, the unincorporated community of Knightsen, portions of the Cities of Oakley and Antioch, and some unincorporated area south of Antioch and east of Brentwood; and

WHEREAS, the ECCID's service boundary and SOI are coterminous; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearings held on December 19, 2007 and February 13, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing SOI for the East Contra Costa Irrigation District as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:

- a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. County and city plans include land uses and population growth that will need increased irrigation water services and untreated water supplies. A significant portion of the ECCID’s service area has urban uses where future growth is expected to occur. The eastern portion of the District lies outside the County’s Urban Limit Line as approved by the voters in November 2006. County and city policies support the provision of adequate water service for residents and agricultural land. ECCID’s primary purpose is to serve agricultural irrigation needs. The District’s services support the continued use of lands for agricultural purposes. No Williamson Act contracts will be affected by this SOI action.
 - b. *The present and probable need for public facilities and services in the area* – Population within the District is expected to increase by 17% over the next 23 years. There will be an increased need for irrigation and raw water services. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – ECCID is financially stable and has the capacity to continue to provide services within its boundaries. The District maintains a 1912 appropriative right to divert water at Indian Slough on Old River. This right is not subject to volume limitations imposed for regulatory purposes; however, there are capacity limitations for the Main Canal. When considering service area expansion, ECCID evaluates the adequacy of the Main Canal to convey sufficient volume to serve the additional area without impacting existing customers. Landscape and recreation irrigation customers are responsible to install, operate, and maintain water conveyance facilities from the point of delivery to the property to be irrigated. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by ECCID.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – ECCID was formed in 1926 to serve portions of eastern Contra Costa County. The District receives a portion of the 1% property tax. In addition, the City of Brentwood and Contra Costa Water District (CCWD) purchase surplus irrigation water from ECCID. The property owners within the area, District ratepayers, and ratepayers for Brentwood and CCWD have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to ECCID.
 - e. *Nature, location, extent, functions & classes of services to be provided* – ECCID supplies irrigation water for agricultural, landscape and recreational use as well as raw water for treatment and delivery to urban areas. The District also provides agricultural land drainage. ECCID’s service area includes the City of Brentwood, the unincorporated community of Knightsen, portions of the Cities of Oakley and Antioch, and some unincorporated area south of Antioch and east of Brentwood
3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
 4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 13TH day of February 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

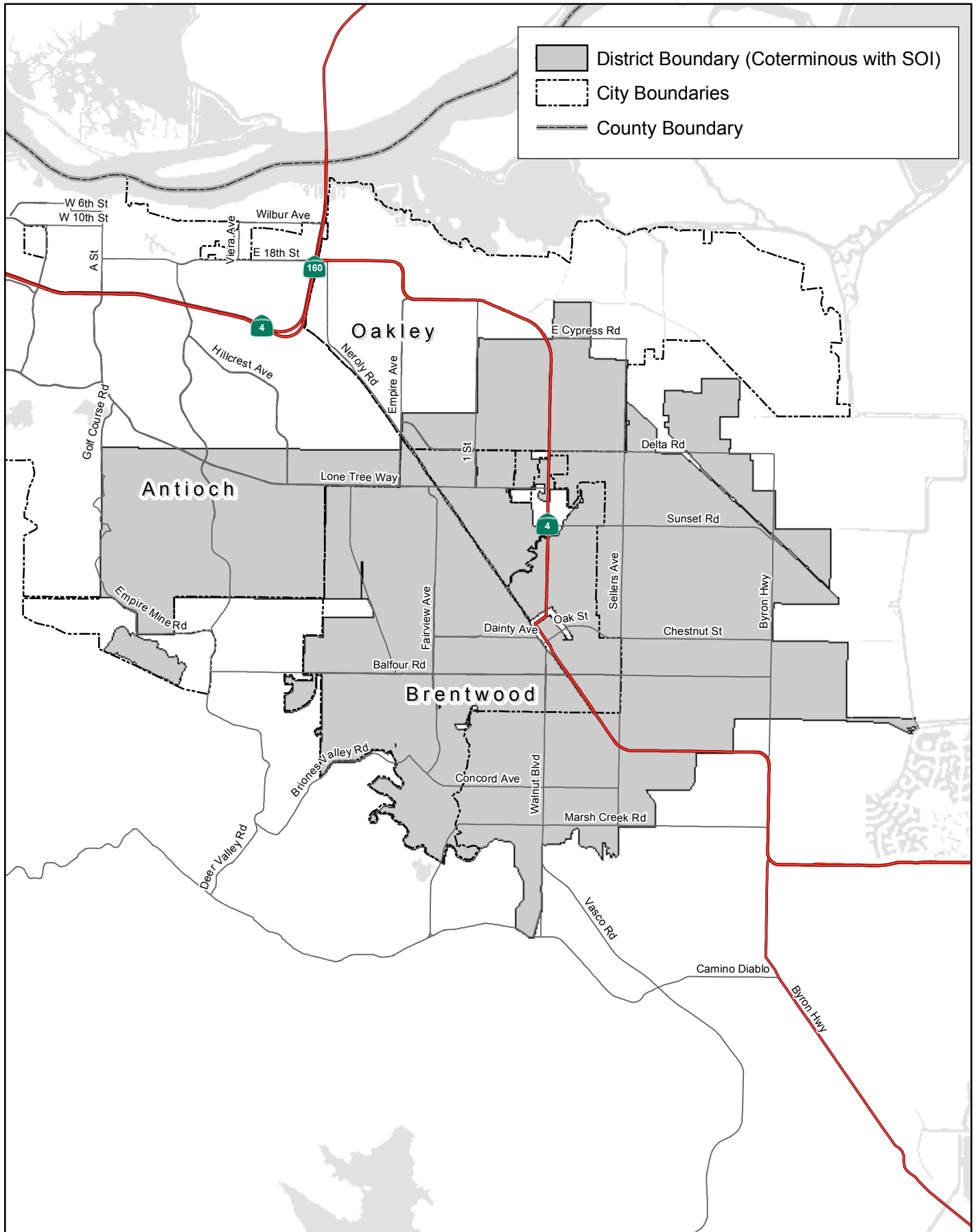
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: February 13, 2008

Lou Ann Texeira, Executive Officer

East Contra Costa Irrigation District and Sphere of Influence



- District Boundary (Coterminous with SOI)
- City Boundaries
- County Boundary

Map created 10/2/2007
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

This map was created by the Contra Costa County Community Development Department with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

