

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

<u>LAFCO 08-05</u>	Butticci Annexation to County Service Area (CSA) L-100
<u>PROPONENT</u>	Armand Butticci – landowner/petitioner
<u>ACREAGE & LOCATION</u>	Approximately 3.91 acres located at 999 Northgate Road in the unincorporated Walnut Creek area (APN 138-180-007)
<u>PURPOSE</u>	Provide street lighting in conjunction with the development of two single-family dwelling units and to comply with a County condition of approval.
<u>SYNOPSIS</u>	

This is a proposal to annex territory into CSA L-100. A condition of approval of the land use permit requires annexation to CSA L-100, which provides street lighting services in the unincorporated area. The site is within the District's sphere of influence and inside the County Urban Limit Line.

PROPOSAL INFORMATION:

1. Land Use, Planning and Zoning - Present and Future:

The annexation area currently contains one existing single family residential unit. The landowner received approval from the County to subdivide the site into three single-family residential lots. The proposal will allow for two additional single family homes.

The General Plan designation for the parcel is Single Family Residential Very Low Density.

The project site is bounded on all sides by low density single family and rural residential development.

The existing and proposed uses are consistent with the County zoning and land use designations.

2. Topography, Natural Features and Drainage Basins:

The topography of the project site and the surrounding area is generally flat.

3. Population:

Due to the nature of the proposal, a slight increase in population of approximately five people could result.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The plan for providing services within the affected territory, as required by Government Code §56653, is on file. The level and range of services will be similar to those provided by CSA L-100 to developed properties currently within its boundaries.

5. Assessed Value, Tax Rates and Indebtedness:

The area is within tax rate area 79048. The assessed value for the parcel is \$1,968,334 (current tax roll). Overall tax rates will not be changed by the annexation.

6. Environmental Impact of the Proposal:

In 2004, Contra Costa County, as Lead Agency, prepared an Initial Study and Negative Declaration for the project. This included analysis of some LAFCO related issues, but did not specifically mention LAFCO or the LAFCO actions. A copy of this document is available for review in the LAFCO office.

The LAFCO Environmental Coordinator reviewed the proposed LAFCO project to determine whether there was a potential for any adverse environmental impacts. It can be seen with certainty that the LAFCO action will have no significant impacts. For this reason, the General Rule Exemption from CEQA pursuant to Government Code Section 15061(b)(3) is recommended.

7. Landowner Consent and Registered Voters:

The property owner has given written consent to the boundary change. The annexing agency consents to the waiver of conducting authority proceedings. The territory is uninhabited, as there are fewer than 12 registered voters.

8. Boundaries and Lines of Assessment:

There are no conflicts with lines of assessment or ownership. A map to implement this change has been approved by the County Surveyor.

ALTERNATIVES FOR COMMISSION ACTION:

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 Approve the annexation as submitted.

- A. Find the proposal to be exempt from CEQA pursuant to Government Code §15061(b)(3).

- B. Adopt this report and approve the proposal, to be known as the Butticci Annexation to County Service Area L-100, subject to the following terms and conditions:
1. Determine that the territory being annexed shall be liable for any authorized or existing taxes, assessments and charges comparable to properties presently within the annexing agency.
 2. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have consented to the annexation and 3) the annexing agency has consented to the waiver of conducting authority proceedings.
- D. Waive conducting authority proceedings and direct the staff to complete the proceeding.

Option 2 Adopt this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

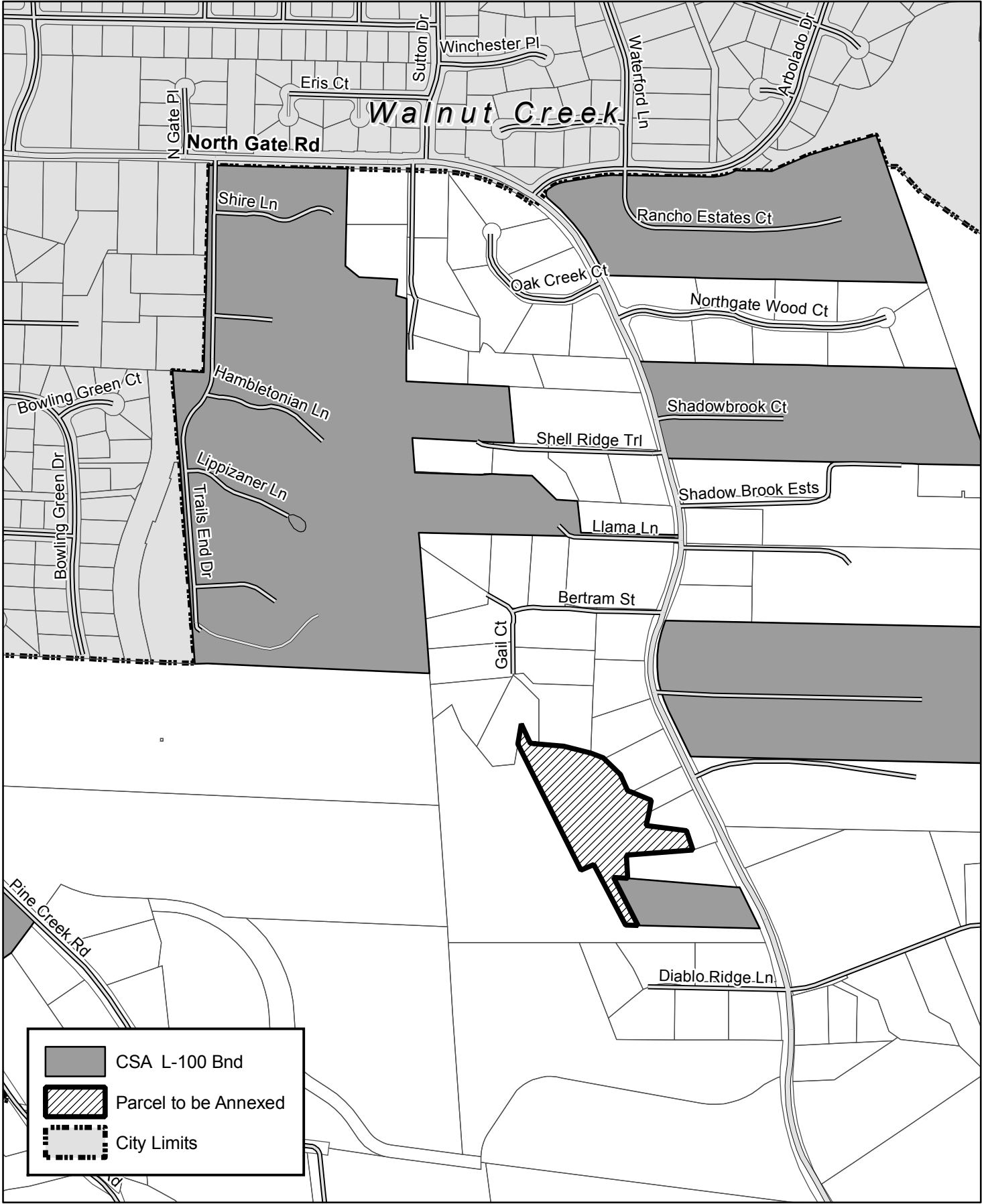
RECOMMENDED ACTION:

Approve Option 1.

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EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

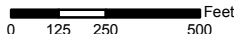
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LAFCO 08-05: Butticci Annexation to County Service Area L-100



Map created 2/28/2008
 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.



RESOLUTION NO. 08-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE
BUTTICCI ANNEXATION TO COUNTY SERVICE AREA L-100**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission determines that the project is exempt from CEQA pursuant to Government Code §15061(b)(3).
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

BUTTICCI ANNEXATION TO COUNTY SERVICE AREA L-100
4. Said territory is found to be uninhabited.
5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.

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7. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
8. Satisfactory proof having been given that all landowners have given their written consent to the proposal and the annexing agency has given written consent to the waiver of conducting authority proceedings, said conducting authority proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 9th day of April 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.

Dated: April 9, 2008

Lou Ann Teixeira, Executive Officer