

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 08-07: 4804 Northridge Road Annexation to Mt. View Sanitary District (MVSD)

PROPONENTS: MVSD by resolution adopted September 13, 2007

ACREAGE &
LOCATION Approximately 1.4± acres located at 4804 Northridge Road in the Muir Oaks area of Martinez (APN 162-070-016)

SYNOPSIS

The District has filed an application with LAFCO to annex the property to MVSD. The purpose of the annexation is to extend sanitary sewer service to the site to serve a proposed single-family residential unit.

DISCUSSION

The CKH Act sets forth factors that the Commission is required to consider in evaluating any proposed change of organization or reorganization as discussed below (Government Code §56668). In your Commission's review and evaluation, no single factor is determinative. In reaching your decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI.

The site is within the District's SOI and within the County Urban Limit Line.

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

The annexation area is currently vacant. The City of Martinez designates the property as Single Family Residential. The site is zoned Single Family Residential with a minimum lot size of 40,000 square feet (RR-40).

Surrounding land uses include similar designations to the east, west, and south and open space to the north.

The proposed land use is consistent with the City's land use and zoning designations.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

The site is located in an area designated for urban uses. There is no impact to agricultural lands. There are no Williamson Act Land Conservation Agreements within the site.

4. Topography, Natural Features and Drainage Basins:

The topography in the area consists of rolling hills. No significant natural features are located on the site.

5. Population:

The site is currently vacant. The proposed development will provide one new residential unit and result in an estimated population increase of approximately three persons.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments.

The proposal will have no impact on the fair share of regional housing.

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

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The "Plan for Providing Services Within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The property is currently served by Contra Costa County Fire Protection District for fire service, and City of Martinez and Contra Costa

Water District (CCWD) for water service. The City of Martinez provides most other municipal services to the site.

The proposal before the Commission is to annex the property to MVSD for the provision of sanitary sewer service, including collection, treatment and disposal.

MVSD's wastewater collection system consists of 110 miles of sewer main with four pump stations. The plant has a design capacity of 3.2 million gallons per day (mgd) and average dry weather flow of 2.0 mgd. The District has indicated that it is able and willing to serve the proposed single family residential unit.

Service to the site will require installation of a manhole in the District's easement, extension of a 6-inch sewer approximately 110 feet to the property line, and installation of a standard rodding inlet. The property is located on a ridge and will facilitate a gravity sewer system to the property.

Costs associated with connection will be borne by the property owner.

8. Timely Availability of Water and Related Issues:

The City of Martinez provides water treatment and distribution to the area. The City's sole source of water supply is untreated water purchased from CCWD. The City's water treatment facilities have a total filtration capacity of 14.7 mgd; average daily water use (2006) was 5.2 mgd. The City has adequate water to serve the proposed single family residential unit.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 05032. The assessed value is \$97,744 (2007-08 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agency.

10. Environmental Impact of the Proposal:

The District has determined that the project is Categorical Exempt pursuant to CEQA Class 19, §15319(b), "Annexations of Existing Facilities and Lots for Exempt Facilities."

LAFCO's Environmental Coordinator reviewed the proposed LAFCO project to determine whether there is a potential for adverse environmental impacts and determines that the LAFCO action will have no significant impacts. For this reason, a General Rule Exemption from CEQA pursuant to Government Code §15061(b)(3) is recommended.

11. Landowner Consent and Consent by Annexing Agency:

The landowner and District consent to the boundary change and waiver of conducting authority proceedings. The territory is uninhabited; namely, there are fewer than 12 registered voters.

12. Boundaries and Lines of Assessment:

The annexation is contiguous to existing District boundaries. A map and legal description to implement this change have been received and are being reviewed by the County Surveyor.

13. Environmental Justice:

Beginning January 1, 2008, Government Code §56668(o) requires that LAFCO consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

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. Determine that the project is exempt from CEQA pursuant to Government Code §15061(b)(3).
- B. Adopt this report and approve the proposal, to be known as 4804 Northridge Road Annexation to Mt. View Sanitary District subject to the following terms and conditions:
 - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 - 2. Prior to recordation, the applicant shall deliver an executed indemnification agreement 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 the conducting authority proceedings and direct the staff to complete the proceeding.

Option 2

- A. Determine that the project is exempt from CEQA pursuant to Government Code §15061(b)(3).
- B. Adopt this report and DENY the proposal.

Option 3

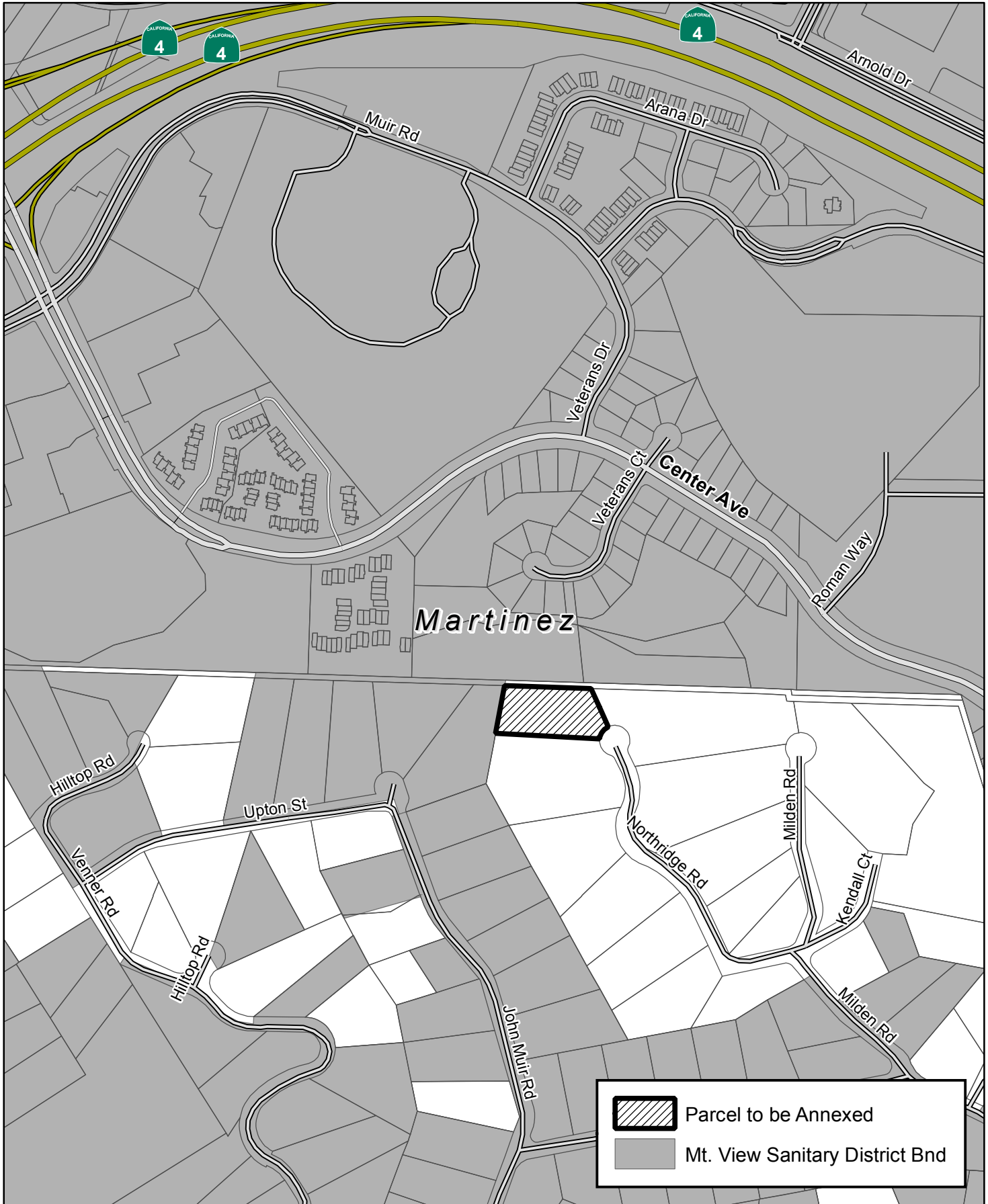
If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1.

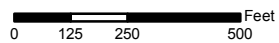
LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

LAFCO 08-07: 4804 Northridge Rd Annexation to Mt. View Sanitary District



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. 08-07

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
4804 NORTHRIDGE ROAD ANNEXATION TO MT. VIEW SANITARY DISTRICT**

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. Determine 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:

4804 NORTHRIDGE ROAD ANNEXATION TO MT. VIEW SANITARY DISTRICT

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.

Contra Costa LAFCO
Resolution No. 08-07

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 Texeira, Executive Officer