

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 08-03: Annexation 166 to Central Contra Costa Sanitary District (CCCSD)

PROPONENT: CCCSD by Resolution No. 2008-019 adopted January 17, 2008

ACREAGE &
LOCATION

Approximately 88 acres located in six "single areas" as follows:

166-1: 43.26 acres – 3535 Springhill Rd, Lafayette (APNs 231-080-006/011)

166-2: 0.88 acres - 3540 Springhill Rd, Lafayette (APN 231-070-002)

166-3: 2.08 acres – 2477 Reliez Valley Rd, Martinez (APN 365-150-078)

166-4: 39.35 acres – 45 Prado Way, Lafayette (APN 231-090-001)

166-5: 1.45 acres - Las Piedras, 13 and 15 Las Piedras, Orinda
(APNs 265-090-027/028, 265-152-005)

166-6: 0.16 acres – 354 El Toyonal, Orinda (APN 264-101-005)

SYNOPSIS

CCCSD, on behalf of the property owners, filed an application with LAFCO to annex the properties to CCCSD. The purpose of the annexation is to extend sanitary sewer service to the various parcels. A majority of affected landowners filed petitions with CCCSD to request annexation. The properties are either converting from septic systems to municipal wastewater service and/or are developing new single-family residential units to be connected to the CCCSD municipal system. One parcel, which did not petition for annexation, is being included to eliminate an island and provide for a logical boundary (APN 265-090-028).

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 areas proposed for annexation are within CCCSD's SOI and within the County Urban Limit Line. All parcels are located within existing City boundaries.

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

The County and City General Plan and zoning designations for the affected parcels and surrounding territory, along with general topography are shown in Table 1 (attached).

All of the annexation areas include at least one parcel with an existing single family residential unit. Areas 166-1, 166-4 and 166-5 contain undeveloped land with potential for additional single-family residential units, ranging from one to three, in accordance with existing land use and zoning designations.

No changes are proposed to zoning or General Plan designations as part of this proposal.

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

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation Agreements.

Parcels in 166-1 and 166-3 are designated Open Space in the Lafayette and Martinez General plans, respectively. Zoning on these parcels is restricted by the cities to allow one unit per 20,000 sq. ft. (166-1) and one unit per 40,000 sq. ft. (166-3).

4. Topography, Natural Features and Drainage Basins:

The topography of the affected and surrounding parcels is summarized in Table 1 (attached).

5. Population:

There are a total of seven single-family dwelling units in the area proposed for annexation; and an additional five single-family residential units could result from this annexation. The estimated population increase is approximately 13 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 properties proposed for annexation are served by various municipalities and agencies including the cities of Lafayette, Martinez and Orinda, Contra Costa County and Moraga-Orinda fire protection districts, and East Bay Municipal Utility District (EBMUD).

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

CCCSD currently serves an estimated population of 314,000 residents in a 142 square mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 18 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 36.1 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted capacity of 53.8 mgd.

CCCSD indicates that most of the properties proposed for annexation can be served by existing CCCSD facilities. Areas 166-3 and 166-4 will require main extensions.

With regard to infrastructure and improvements, CCCSD indicates that all gravity mains required to serve the affected parcels will be 8-inch diameter, which is CCCSD's minimum for such mains. All laterals will be either 4-inch diameter, which is CCCSD's minimum for gravity laterals, or 1-1/4- to 2-inch diameter pump laterals, which is CCCSD's minimum for pump laterals, depending on the specific pump type installed.

With regard to funding, all capital costs including any required sewer main extensions, along with connections fees, will be borne by the property owners. CCCSD funds the maintenance of all sewers through its annual sewer service charge.

8. Timely Availability of Water and Related Issues:

All areas proposed for annexation, with the exception of 166-3, currently receive water service through EBMUD.

Area 166-3 currently receives water through the City of Martinez water system. The City's sole source of water supply is untreated water purchased from the Contra Costa Water District (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.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation areas, tax rate areas and assessed valuations (2007-08 roll) are shown below:

Annexation Area	Tax Rate Area	Assessed Value
166-1, 166-2 and 166-4	14004	\$10,161,125
166-3	05032	\$1,414,944
166-5 and 166-6	18003	\$1,383,766

The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

CCCSD has found all the annexation areas, with the exception of 166-4, categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).

With regard to Area 166-4, in 2007 the City of Lafayette, as Lead Agency, adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project (45 Prado Way, APN 231-090-001). As a Responsible Agency, CCCSD used the Mitigated Negative Declaration for its annexation of Area 166-4.

The environmental document prepared by the City identifies potential impacts to aesthetics, biological resources, cultural resources, geology and soils, hydrology and water quality, public services, transportation and utilities and service systems from the site development. Mitigation measures were adopted that reduced impacts to less than significant. Copies of these documents are available for review in the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered uninhabited.

CCCSD indicates that less than 100% of the affected landowners voters have consented to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest), proceedings. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the April 9 hearing. If the Commission approves the annexation, a subsequent notice and hearing will follow. Authority to conduct the protest hearing has been delegated to the LAFCO Executive Officer.

12. Boundaries and Lines of Assessment:

The annexation areas are within CCCSD's SOI and are contiguous to existing CCCSD boundaries. The recently completed *Central County Water/Wastewater Municipal Services Review* (MSR) provided an assessment of CCCSD services. The report noted that CCCSD is serving an estimated 180 parcels that are outside its current boundaries; and there are a number of small islands surrounded by the District and within its SOI. The MSR discusses annexing parcels receiving out of agency service, as well as islands and areas where there are concerns due to failing septic systems and related public health issues, as appropriate. The proposed annexation would bring into CCCSD several parcels currently receiving out of agency service, and would clean up several islands.

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 City of Lafayette, as Lead Agency, has prepared and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Area 166-4.
- B. Determine that Central Contra Costa Sanitary District, as Lead Agency, has found Areas 166-1, 166-2, 166-3, 166-5 and 166-6 to be categorically exempt pursuant to CEQA Guidelines Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).
- C. Adopt this report and approve the proposal, to be known as Annexation 166 to the Central Contra Costa 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, CCCSD shall deliver an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- D. Find that the subject territory is uninhabited, and that less than 100% of the affected landowners have consented to the annexation.
- E. Designate the Contra Costa LAFCO as the conducting authority for the protest proceedings; the authority for which has been delegated to the LAFCO Executive Officer, who shall give notice and conduct a public hearing on the matter pursuant to the Government Code.

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.

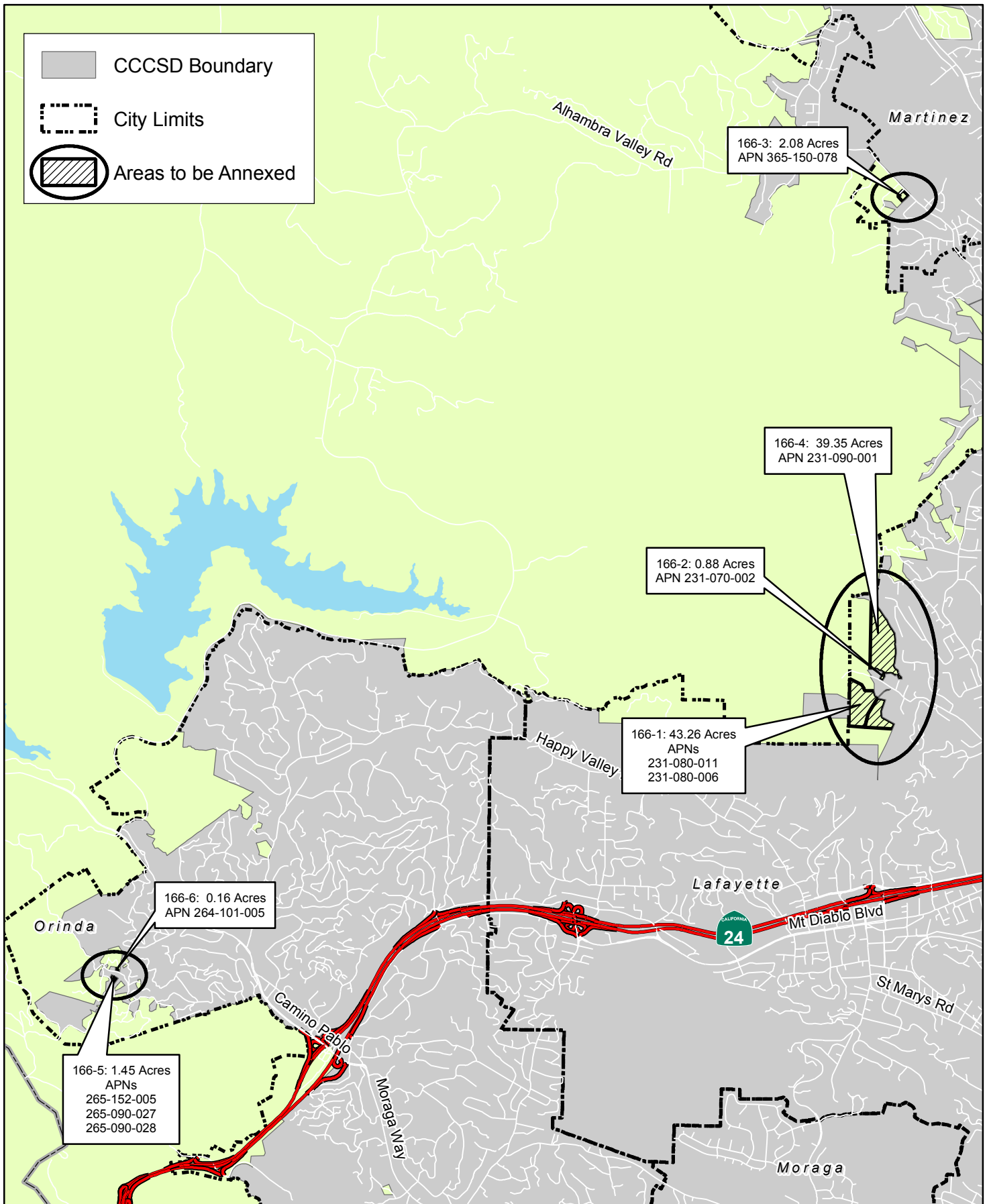
LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

Table 1 – Summary of Land Uses and Topography

APN	Annex Area	Current Land Use	City G P	City Zoning	Surrounding GP Designations	Surrounding Zoning	Topography Affected Parcel	Topography Surrounding Area
231-080-006	166-1	vacant, rural residential	Open Space/R-20	LR/OS	E - LR W - PR N - OS/LR/RR S - OS	E - R-20/LR W – AL (A-2)/PR N - R-20 S – LR	hilly, wooded	hilly, wooded area with Reliez Creek to the north
231-080-011	166-1	existing single family home	Open Space/R-20	LR/OS	same as 166-1 above	same as 166-1 above	same as 166-1 above	same as 166-1 above
231-070-002	166-2	existing single family home	R-20	R-20	E-LR W-LR N-RR S-LR	E - R-20 W - R-20 N - LR S – R-20	relatively flat with Reliez Creek flowing west to east on north side of the area	wooded area, slightly hilly
365-150-078	166-3	existing single family home	OS Conservation Use (CU)/R-40	EDG-40	E – OS (CU) W – OS (CU) N – OS (CU) S – OS (CU)	E – ECD/R-40 W - ECD/R-40 N - ECD/R-40 S - ECD/R-40	relatively flat	relatively flat
231-090-001	166-4	existing single family home; plans to subdivide	LR-10 (1 unit/10 acres)	OS/LR	E - LR W – OP/PR N - RR S - LR	E – R-20 W – LR/AL (A-2) N - LR S – R-20	Hillside site with non-native grassland and native trees, two adjacent creeks	slightly hilly
265-090-027	166-5	existing single family home	SFR (1-2 units/acre)	RL-20	E - SFR W - SFR N - SFR S - SFR	E – R-20 W - R-20 N - R-20 S - R-20	relatively flat	relatively flat
265-090-028	166-5	Vacant lot	same as 166-5 above	RL-20	same as 166-5 above	same as 166-5 above	relatively flat	relatively flat
265-152-005	166-5	existing single family home	same as 166-5 above	RL-20	same as 166-5 above	same as 166-5 above	relatively flat	relatively flat
264-101-005	166-6	existing single family home	SFR (1-2 units/acre)	RL-20	E - SFR W - SFR N - SFR S - SFR	E – R-20 W – R-20 N – R-20 S – R-20	relatively flat	relatively flat

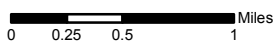
Key: **AL** = Agricultural Land, **EDG-40** = Environmental Conservation District (40,000 sq. ft. min), **GP** = General Plan, **LR** = Low Density Residential, **OS** = Open Space, **PR** – Parks & Recreation, **R-20** = Residential Low Density (20,000 sq. ft. min), **RR**= Rural Residential, **SFR** = Single Family Residential, **VA** = Vacant (unbuildable)

LAFCO 08-03: Annexation 166 to Central Contra Costa Sanitary District



Map created 3/10/2008
 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. 08-03

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION 166 TO CENTRAL CONTRA COSTA 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, the proposal has less than 100% consent of affected property owners and registered voters, and is subject to a conducting authority proceeding; 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 City of Lafayette, as Lead Agency, prepared and certified a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Area 166-4.
2. Determine that Central Contra Costa Sanitary District, as Lead Agency, found Areas 166-1, 166-2, 166-3, 166-5 and 166-6 to be categorically exempt pursuant to CEQA Guidelines Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

ANNEXATION 166 TO CENTRAL CONTRA COSTA SANITARY DISTRICT

5. Said territory is found to be uninhabited.
6. 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.

Contra Costa LAFCO
Resolution No. 08-03

7. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
8. Prior to recordation, CCCSD shall deliver an executed indemnification agreement between the CCCSD and Contra Costa LAFCO providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
9. The territory proposed for annexation is uninhabited.
10. The proposal has less than 100% consent of affected landowners, and is subject to a conducting authority proceeding.
11. 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