

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 08-12

City of Antioch - Out of Agency Service (PG&E)

RECOMMENDATION

Authorize the City to extend water and wastewater services outside its boundaries and within its sphere of influence (SOI) to a 55.07± acre parcel located at 3225 Wilbur Avenue in the unincorporated Antioch area (APN 051-031-015).

ANALYSIS

LAFCO Approval is Required - State law requires LAFCO review and approval of boundary changes and extensions of service without boundary changes.

Specifically, Government Code §56133 states that "A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval from the Commission."

Further, the law provides that the Commission may authorize a city or district to provide new or extended services: a) outside its jurisdictional boundaries but within its SOI in anticipation of a later change of organization; or b) outside its jurisdictional boundaries and outside its SOI to respond to an existing or impending threat to the public health or safety.

The City's application meets the above criteria as it is located within the City's SOI but outside the City boundary. Further, out of agency service is a temporary measure in anticipation of a pending annexation proposal which is expected to be considered by the Commission this summer.

Request by City of Antioch - The City requests authorization to provide water and wastewater collection services outside its boundaries and within its SOI to property located at 3225 Wilbur Avenue in the unincorporated Antioch area. Delta Diablo Sanitation District (DDSD) provides treatment and disposal. This is a temporary measure in anticipation of a future annexation to the City and DDSD.

PG&E is constructing a new power plant at 3225 Wilbur Avenue. Construction is nearing completion, and the facility will require water and wastewater services as soon as May 2008. The parcel proposed for service was recently increased to 55.07± acres as a result of a lot line adjustment (2007-0178344-00).

In 2007, the City of Antioch submitted a reorganization proposal to annex the PG&E site, along with surrounding properties, to the City and DDSD. The proposal is presently incomplete, and the City is working to complete the necessary application components. It is anticipated that the reorganization proposal will be presented to the Commission in June or July 2008.

Existing Commission Policy Regarding Out of Agency Services - The Commission's current policy regarding out of agency service is consistent with State law in that annexations to cities and special districts are generally preferred for providing public services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service.

Out of agency service is a temporary measure, typically considered in response to an existing or impending public health and safety threat (e.g., failing septic system), or in anticipation of a future annexation. The City has a reorganization proposal pending.

Agreement Consenting to Annex - Whenever affected property may ultimately be annexed to an agency providing out of agency service, a standard condition is to require the landowner to execute an agreement consenting to annex the territory. The property owner has consented to the future annexation of the parcel.

Impact on Planning and Land Use - The PG&E property is located in an area designated for industrial use, and is surrounded by industrial areas to the east, south and west and the San Joaquin River to the north. Construction of the new PG&E power plant is currently underway on the property.

The utility services to be provided by the City will not facilitate a change of land use. According to the City, infrastructure needed to serve the property include approximately 3,000 feet of sewer line to be extended from the southwest corner of the parcel to the center of Wilbur Avenue, then eastward to a point north of the DDSD's Bridgehead Pumping Station. The water line will be tapped at the northern edge of Wilbur Avenue at the southeast corner of the site.

Environmental Impact of the Proposal - The City of Antioch, as Lead Agency, adopted the *Northeast Antioch Reorganization Initial Study and Negative Declaration*, which covers the PG&E project area. A copy of this document is available for review in the LAFCO office.

ALTERNATIVES FOR COMMISSION ACTION:

- Option 1** Approve the request for out of agency service.
- A. Determine that LAFCO has reviewed and considered the information contained in the Northeast Antioch Reorganization Negative Declaration adopted by the City of Antioch.
 - B. Authorize the City of Antioch to extend water and wastewater services outside the City's boundary to the PG&E property located at 3225 Wilbur Avenue in the unincorporated Antioch area (APN 051-031-015).

Option 2 Deny the request, thereby prohibiting the City from providing services to the site.

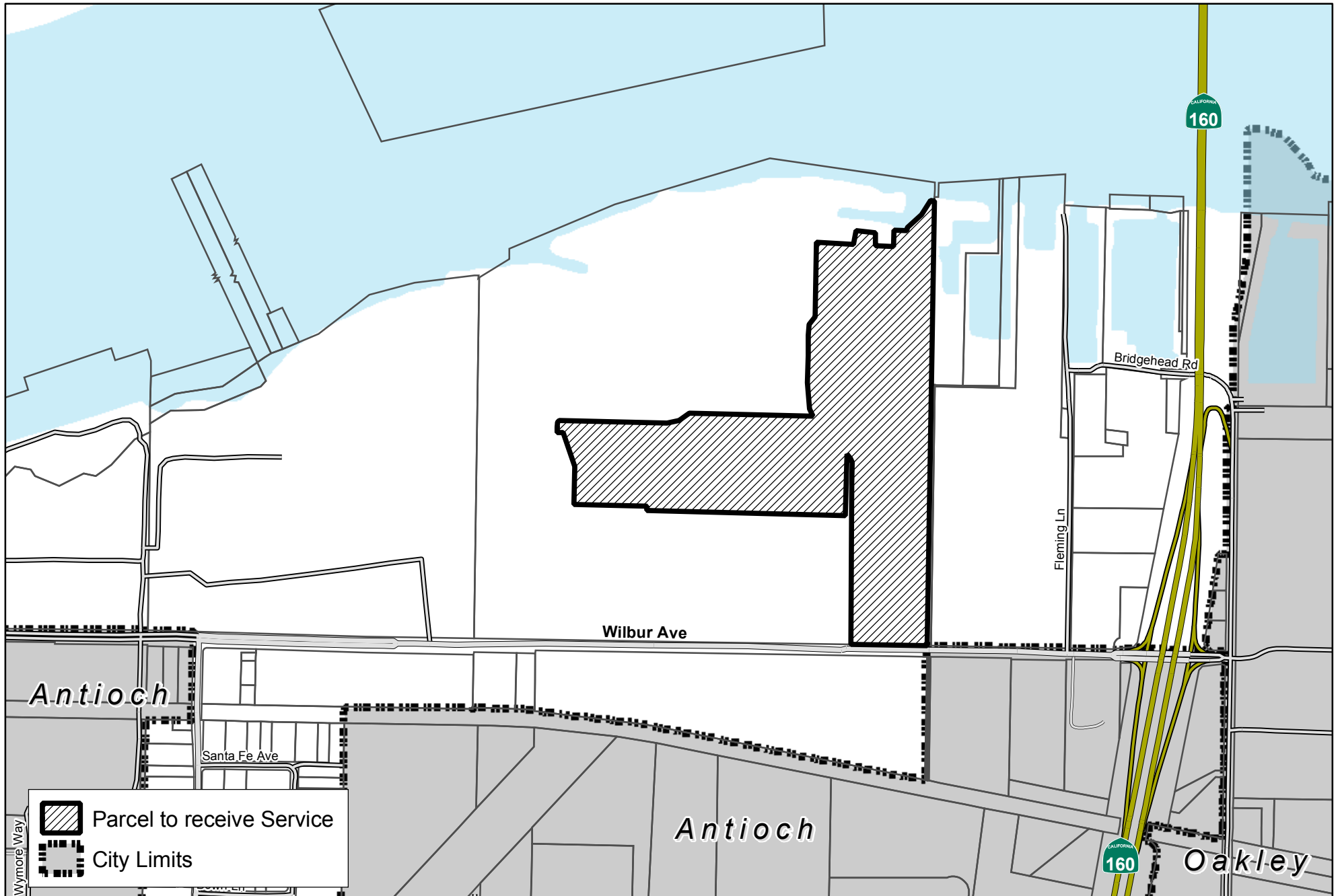
Option 3 Continue this matter to a future meeting in order to obtain more information.



RECOMMENDED ACTION:

Approve Option 1.

LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

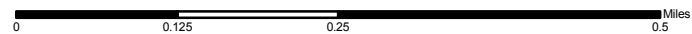
LAFCO 08-12: City of Antioch -- Out of Area Service Agreement (PG&E)



-  Parcel to receive Service
-  City Limits

Map created 3/26/2008
 by Contra Costa County Community Development, GIS Group
 661 Pine Street, 4th Floor, North Wing, Martinez, CA 94503-0095
 37-22-44-46N 122-26-35-38W

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RESOLUTION NO. 08-12

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF ANTIOCH TO
PROVIDE OUT-OF-AGENCY SERVICES (PG&E)

WHEREAS, the above-referenced request 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 this request, and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation, and

WHEREAS, out of agency service approval is needed as a temporary measure in order to provide water and wastewater services to the property and in anticipation of a future annexation, and

WHEREAS, the property owner has consented to a future annexation of the property to the City of Antioch and to the Delta Diablo Sanitation District, which provides wastewater treatment and disposal services to the City.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- (1) The Commission has reviewed and considered the information contained in the Negative Declaration prepared and adopted by the City of Antioch.
- (2) The City of Antioch is hereby authorized to extend water and wastewater services outside of the City's boundary to property located at 3225 Wilbur Avenue in the unincorporated Antioch area (APN 051-031-014).
- (3) Approval to extend City services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

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 above

Dated: April 9, 2008

Lou Ann Texeira, Executive Officer