



**Lou Ann Teixeira**  
*Executive Officer*

**MEMBERS**

**Helen Allen**  
*City Member*

**Federal Glover**  
*County Member*

**Martin McNair**  
*Public Member*

**Gayle B. Uilkema**  
*County Member*

**Dwight Meadows**  
*Special District Member*

**David A. Piepho**  
*Special District Member*

**Rob Schroder**  
*City Member*

**ALTERNATE MEMBERS**

**William Bristow**  
*Public Member*

**George H. Schmidt**  
*Special District Member*

**Mary N. Piepho**  
*County Member*

**Don Tatzin**  
*City Member*

April 9, 2008 (Agenda)

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

**Sphere of Influence Update - Delta Diablo Sanitation 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; and subsequently, in March 2008, ECCID. 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 directed staff to conduct additional research relating to the SOI options identified in the MSR, and the applicability of the California Environmental Quality Act (CEQA) to SOI updates. LAFCO staff has completed the additional research as discussed below.

DISCUSSION

DDSD provides wastewater collection services for the unincorporated community of Bay Point; and conveyance, treatment, and disposal services for certain unincorporated areas of eastern Contra Costa County, including the community of Bay Point and the cities of Antioch and Pittsburg. DDSD also provides street sweeping within its boundaries, operates the Delta Household Hazardous Waste Collection Facility for residents in eastern Contra Costa County, and provides recycled water to a number of facilities.

DDSD serves a population of over 181,565 residents in a service area of approximately 52 square miles. DDSD's SOI is coterminous with its boundaries except for the southern portion of Roddy Ranch. The District is providing service to a few properties that are not within the District's current boundaries.

The MSR identified two SOI options for DDSD: 1) retain the existing SOI, and 2) adjust the SOI to be consistent with the voter approved Urban Limit Lines for Antioch and Pittsburg.

At the December 19 LAFCO meeting, the MSR consultant (Dudek) and LAFCO staff presented the MSR report and SOI options and recommendations. LAFCO staff recommended retaining the existing SOI for the following reasons: 1) expansion of the SOI is considered a "project" under CEQA and subject to CEQA review, 2) no environmental review was conducted in conjunction with the change in the urban limit line, and 3) no pre-existing CEQA document adequately addresses the subject SOI expansion; thus, an Initial Study and appropriate environmental document must be prepared prior to expanding DDSD's SOI.

Also, as previously indicated, there are costs associated with such an environmental review. Thus, rather than LAFCO bearing this cost, it would be more appropriate for an interested party, such as an affected agency (i.e., city, district) or landowner to file an SOI application, along with the appropriate CEQA review.

The Commission discussed the SOI options and directed LAFCO staff to research whether a current CEQA document(s) exists that could support the SOI expansion(s). Also, in March, the Commission requested a legal opinion regarding the applicability of CEQA to SOI expansions.

With regard to existing CEQA documentation, the LAFCO Planner has reviewed the Antioch and Pittsburg General Plan documents, and concludes that the Pittsburg 2020 General Plan EIR did not contemplate development of the subject area within the planning horizon of the General Plan, and consequently, did not anticipate the needs for public services in these areas. The EIR acknowledged the fundamental principal that development in these areas would require annexation to the City of Pittsburg, and that with such annexations would come the need for public services. The LAFCO Planner can find no discussion in the City's EIR of the environmental consequences of expanding the SOI of Contra Costa Water District or DDSD, and specifically, into the Southwest Planning Area.

With regard to the City of Antioch, the LAFCO Planner concludes that while the EIR for the City of Antioch General Plan Update (2003) includes a table which identifies future discretionary actions involving land use changes, it does not include LAFCO or the LAFCO actions, nor does the EIR directly address environmental issues associated with the expansion of the DDSD SOI into the subject areas.

In response to the Commission's subsequent request, the LAFCO Legal Counsel has prepared a memo that discusses SOI revisions and CEQA. This memo is included with the April 9 LAFCO agenda packet. The LAFCO Legal Counsel concludes that the subject revisions before the Commission (i.e., expansions to CCWD, CCCSD and DDSD SOIs to coincide with ULLs) constitute projects under CEQA, and are subject to an Initial Study to determine whether a negative declaration or environmental impact is required.

## FINANCING

Depending upon the option selected, a budget adjustment may be needed. Should the Commission choose to serve as Lead Agency pursuant to CEQA, and prepare an Initial Study related to the expansion of DDSD's SOI to coincide with the ULLs, costs associated with preparing this study will result. The Commission will either have to appropriate funds from the contingency reserve, or seek funding from an interested agency or party.

## RECOMMENDATIONS

### **Option I**

- a. As Lead Agency, determine that the SOI update affirming the existing SOI for the Delta Diablo Sanitation District (DDSD) 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 DDSD and retaining the existing SOI.

### **Option II**

Direct LAFCO staff to either:

1. Prepare an Initial Study pursuant to CEQA relating to expansion of DDSD's SOI to coincide with the Antioch and Pittsburg ULLs as identified in the East County Water/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 DDSD's SOI to coincide with the Antioch and Pittsburg ULLs as identified in the East County Water/Wastewater Services MSR report.

### **Option III**

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

Attachment 1 – Draft Resolution and SOI Update for DDSD  
Attachment 2 – DDSD SOI Map

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE**  
**DELTA DIABLO SANITATION 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 Delta Diablo Sanitation District (DDSD) and adopted written determinations as required by Government Code §56430 on December 19, 2007; and

**WHEREAS**, DDSD provides wastewater collection services for the unincorporated community of Bay Point; and conveyance, treatment, and disposal services for the cities of Antioch and Pittsburg and certain unincorporated areas of eastern Contra Costa County, including the community of Bay Point. The District also provides street sweeping within its boundaries and operates the Delta Household Hazardous Waste Collection Facility for residents in eastern Contra Costa County; and

**WHEREAS**, since 2001, the DDSD has provided recycled water to the Delta Energy Center, the Los Medanos Energy Center (LMEC), and is expanding recycled water conveyance to Pittsburg and Antioch for irrigation of local public parks and median landscapes; and

**WHEREAS**, DDSD's service boundary is coterminous with its SOI except for the southern portion of Roddy Ranch; 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 public hearings held on December 19, 2007 and April 9, 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 Delta Diablo Sanitation 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 wastewater services and recycled water supplies. County and city policies support the provision of adequate wastewater services for businesses and resident. Although there are agricultural and open space lands within the District’s boundaries and SOI, wastewater services do not by themselves induce growth on agricultural or open space lands. 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 24% over the next 23 years to 225,847. There will be an increased need for comprehensive wastewater services, including a reliable recycled water supply. 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* – DDS D is providing adequate services, is financially stable, and has the capacity to continue to provide services within its boundaries. The District has planned for capital needs based on projected growth and is implementing projects to extend the life of existing infrastructure and increase capacity where necessary. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by DDS D.
  - 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* – DDS D was formed in 1955 as County Sanitation District No. 7A and began treating wastewater from the three communities in 1982. In 2001, County Sanitation District No. 7B (Concord Naval Air Station/Port Chicago) was dissolved and the area annexed to DDS D. The District collects service charges within its three service zones and receives a portion of the 1% property tax. The service charges include fees for capital asset upgrades, replacement, and rehabilitation. Capital expansion is funded by new connection charges. Property owners within the area and ratepayers 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 DDS D.
  - e. *Nature, location, extent, functions & classes of services to be provided* – DDS D provides wastewater conveyance, treatment, disposal, recycled water, street sweeping, household hazardous waste collection to the cities of Antioch and Pittsburg, the Bay Point community, and adjacent unincorporated areas.

Policy option:

- Consider annexing areas currently receiving service into the District’s boundaries, as appropriate.
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 9<sup>TH</sup> 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

# Delta Diablo Sanitation District and Sphere of Influence

