

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 07-22 **Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD) Sphere of Influence (SOI) Amendments (Sky Ranch II)**

PROPONENT City of Pittsburg by Resolution No. 08-10957

ACREAGE & LOCATION Approximately 160 acres located at the terminus of Ventura Drive, south of the existing Highlands Ranch Subdivision and approximately one mile southwest of the Somersville Road/Buchanan Road intersection in the unincorporated Pittsburg area (APNs 089-050-042/066/067)

PURPOSE: To allow for the future annexation of the property in order to extend water, wastewater and other municipal services to the project site in conjunction with a proposed development of 415 single-family dwelling units, detention basin and mini park.

SYNOPSIS

The City of Pittsburg filed an application with LAFCO to amend the SOIs of CCWD and DDSD to include 160± acres in conjunction with the proposed Sky Ranch II Residential Subdivision. The City also submitted a corresponding application to annex the same properties to the City, CCWD and DDSD; the reorganization proposal is currently pending.

The purpose of the proposed SOI expansions is to allow for the future annexations to CCWD and DDSD (and the City) in order to extend municipal services to the site to serve the proposed 415 single-family subdivision, detention basin and mini park.

The area proposed for inclusion in the SOIs of CCWD and DDSD is contiguous to the districts' existing SOIs and service boundaries. The project area is located within the Buchanan Planning Subarea in the southeastern part of the Pittsburg Planning Area within the City of Pittsburg's SOI, and inside the City and County Urban Limit Lines (ULLs).

BACKGROUND

The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the county, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO.

The intent of an SOI is to identify the most appropriate areas for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's sphere is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

The CKH Act requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency's SOI. Once an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

State law also requires LAFCO to review and update, as necessary, the adopted SOI of each local agency not less than every five years. In conjunction with the SOI update, LAFCO must prepare a Municipal Services Review (MSR).

In December 2007, the Commission accepted the MSR report covering water and wastewater services in East County. This MSR includes a review of DDS D services. In February and March 2008, the Commission reviewed the MSR covering water and wastewater services in Central County. This MSR includes a review of CCWD services. In April 2008, the Commission will consider approving SOI updates for DDS D and CCWD in conjunction with the respective MSR reports.

DISCUSSION

In determining a sphere, LAFCO is required to consider and prepare a written statement of determinations with respect to certain factors prior to making a decision [Government Code §56425(e)(i)]. These factors are discussed below.

SOI Determinations

1. The present and planned uses in the area, including agricultural and open space lands.

The area proposed for inclusion in the CCWD and DDS D SOIs consists of three parcels (APNs 089-050-042/066/067).

The project site currently includes an existing City owned water tank and vacant grassland which is used for cattle grazing. The Contra Costa County General Plan designates the site as "Agricultural" and County zoning identifies the site as A-4 "Agricultural District."

The City of Pittsburg General Plan designates the site as Low Density Residential (3 dwelling units/acre); the City has rezoned the site as RS-6-O "Single Family Residential District."

The City has rezoned the property and approved a Vesting Tentative Map and associated home designs, subject to conditions, for the Sky Ranch II development project.

In October 2006, the City of Pittsburg, as Lead Agency, adopted an Environmental Impact Report (EIR) for the Sky Ranch II Residential Subdivision. Subsequently, the City adopted Findings and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Sky Ranch II development. In February 2008, the City adopted an Addendum to the previously certified Sky Ranch II EIR. The purpose of the addendum was to include in the project description specific reference to the CCWD and DDS D SOI amendments, and clarify that annexation of the City owned water tank is included in the reorganization proposal.

The Sky Ranch II EIR evaluated the potential environmental impacts of including the project area in the CCWD and DDS D boundaries. The EIR identifies potentially significant environmental effects, for which mitigation measures have been adopted. In addition, the EIR identifies potentially significant unavoidable environmental effects, for which the City adopted Findings and Statement of Overriding Considerations.

The EIR evaluated the impacts of the project on agricultural resources. Agricultural uses in the area include cattle grazing. A portion of the area is classified by the California Department of Conservation as Farmland of Local Importance. Agricultural-zoned or Williamson Act parcels remain under contract in the general Planning Area, but none are located on the project site.

To the south of the proposed Sky Ranch II development lies the Black Diamond Mines Regional Preserve (Black Diamond Planning Subarea).

While the proposed residential development conflicts with the County General Plan and zoning designations, it is consistent with the City's designations.

2. The present and probable need for public facilities and services in the area.

The area proposed for inclusion in the CCWD and DDS D SOIs is currently vacant and used for cattle grazing; thus, there is presently no need for public facilities and service.

The proposed uses include a 415 single-family subdivision, detention basin and mini park. Services necessary to serve the project are described in the certified EIR and the project Conditions of Approval associated with the Vesting Tentative Map and include typical municipal services such as water, wastewater, storm drain, solid waste, police, fire, parks and recreation, schools and library services.

With regard to water services, CCWD is the proposed service provider. The District provides both treated and untreated water throughout central and portions of east Contra Costa County. CCWD's untreated water service area includes Pittsburg and Bay Point. The City of Pittsburg provides water treatment and distribution for its residents and businesses.

CCWD is a Central Valley Project (CVP) contractor and delivers untreated water through the U.S. Bureau of Reclamation (USBR) CVP. The untreated water is conveyed through the Contra Costa Canal. The contract provides for a maximum delivery of 195,000 acre feet per year (174 mgd) with reductions in deliveries during water shortages including regulatory restrictions and drought. In addition to CVP water, CCWD has other water sources including various water rights and entitlements.

According to the EIR, the Sky Ranch II development will rely on CVP water subject to approval by CCWD and the USBR. Inclusion in the CVP service area is necessary to avoid potential overdraft of ground water from the two municipal wells. The City of Pittsburg's Urban Water Management Plan projects safe yields of well water through the planning horizon, 2020.

The proposed number of dwelling units is 415. The City estimates that the ultimate water demand for the project is 177,400 to 223,500 gallons per day (200 to 250 acre feet per year). The EIR indicates that

although the City of Pittsburg municipal wells could supply water on an interim basis, the permanent water supply for this project is assumed to be purchased water from CCWD. Without inclusion approval by the USBR, municipal well water would be the sole source of water supply.

CCWD is the inclusion applicant to the USBR. In January 2008, CCWD staff submitted to the USBR a CVP inclusion request for the Sky Ranch II project. The future annexation of this property will require a will serve letter from CCWD, and will be subject to approval by the USBR.

Wastewater services to the project area will be provided by the City of Pittsburg and DDS. The City owns and operates the collection system (except in Bay Point); DDS owns and operates the wastewater treatment plant.

DDS's existing wastewater collection system consists of 49 miles of sewer main and five pump stations. The District's average dry weather flow is 14.2 million gallons per day (mgd), and the wastewater treatment plant capacity is 16.5 mgd (current design) and 22.7 mgd (ultimate capacity).

According to the EIR, projected average wastewater generation by the project would be approximately 160,000 gallons per day. The future annexation of this property will require a will serve letter from DDS.

The City's EIR, Sky Ranch II reorganization application and Plan for Providing Services further address the provision of municipal services to the proposed development.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

As discussed above, CCWD's CVP contract provides for a maximum delivery of 195,000 acre feet per year (174 mgd) with reductions in deliveries during water shortages including regulatory restrictions and drought. In addition to CVP water, CCWD has other water sources including various water rights and entitlements.

The present capacity of DDS's existing wastewater facility is 16.5 million gallons per day (mgd); the existing use is 14.2 mgd.

The estimated demand for services and supply and capacity will be further evaluated with the reorganization proposal.

4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The primary social or economic communities of interest that are relevant to the SOI amendments are the Pittsburg community and the CCWD and DDS customer base. The SOI amendment is consistent with the Pittsburg voter approved ULL, and would be a logical extension of the CCWD and DDS boundaries.

In addition to the above determinations, the Commission, when adopting, amending, or updating an SOI for a special district, shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

CCWD provides both treated and untreated water. The District's boundaries encompass approximately 214 square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 510,000 people within all service areas.

DDSD 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. DDSD serves an estimated population of over 181,565 residents in a service area of approximately 52 square miles.

Environmental Impact of the Proposal

In October 2006, the City of Pittsburg, as Lead Agency, adopted an Environmental Impact Report (EIR) for the Sky Ranch II Residential Subdivision. Subsequently, the City adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Sky Ranch II development. In February 2008, the City adopted an Addendum to the previously certified Sky Ranch II EIR. The purpose of the Addendum was to include in the project description specific reference to the CCWD and DDSD SOI amendments, and clarify that annexation of the City owned water tank is included in the reorganization proposal.

The Sky Ranch II EIR evaluated the potential environmental impacts of including the project area in the CCWD and DDSD boundaries. The EIR identifies potentially significant environmental effects, for which mitigation measures have been adopted. In addition, the EIR identifies potentially significant unavoidable environmental effects, for which the City adopted Findings and Statement of Overriding Considerations.

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 actions:

Option 1 Approve expansions to the SOIs of CCWD and DDSD to include 160± acres located at the terminus of Ventura Drive, south of the existing Highlands Ranch subdivision and approximately one mile southwest of the Somersville Road/Buchanan Road intersection in the unincorporated Pittsburg area (APNs 089-050-042/066/067).

- A. Determine that the City of Pittsburg, as Lead Agency, prepared and certified the Environmental Impact Report for the Sky Ranch II Residential Subdivision, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and Addendum to the previously certified Sky Ranch II EIR.

- B. Certify LAFCO has reviewed and considered the information contained in the EIR prepared and certified by the City of Pittsburg and in the City's CEQA documentation. Adopt the Findings and Statement of Overriding Considerations as approved by the City of Pittsburg per Resolution No. 07-10789.
- C. Adopt this report and amend the Spheres of Influence of the Contra Costa Water District and Delta Diablo Sanitation District to include a total of 160± acres as described herein.

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:

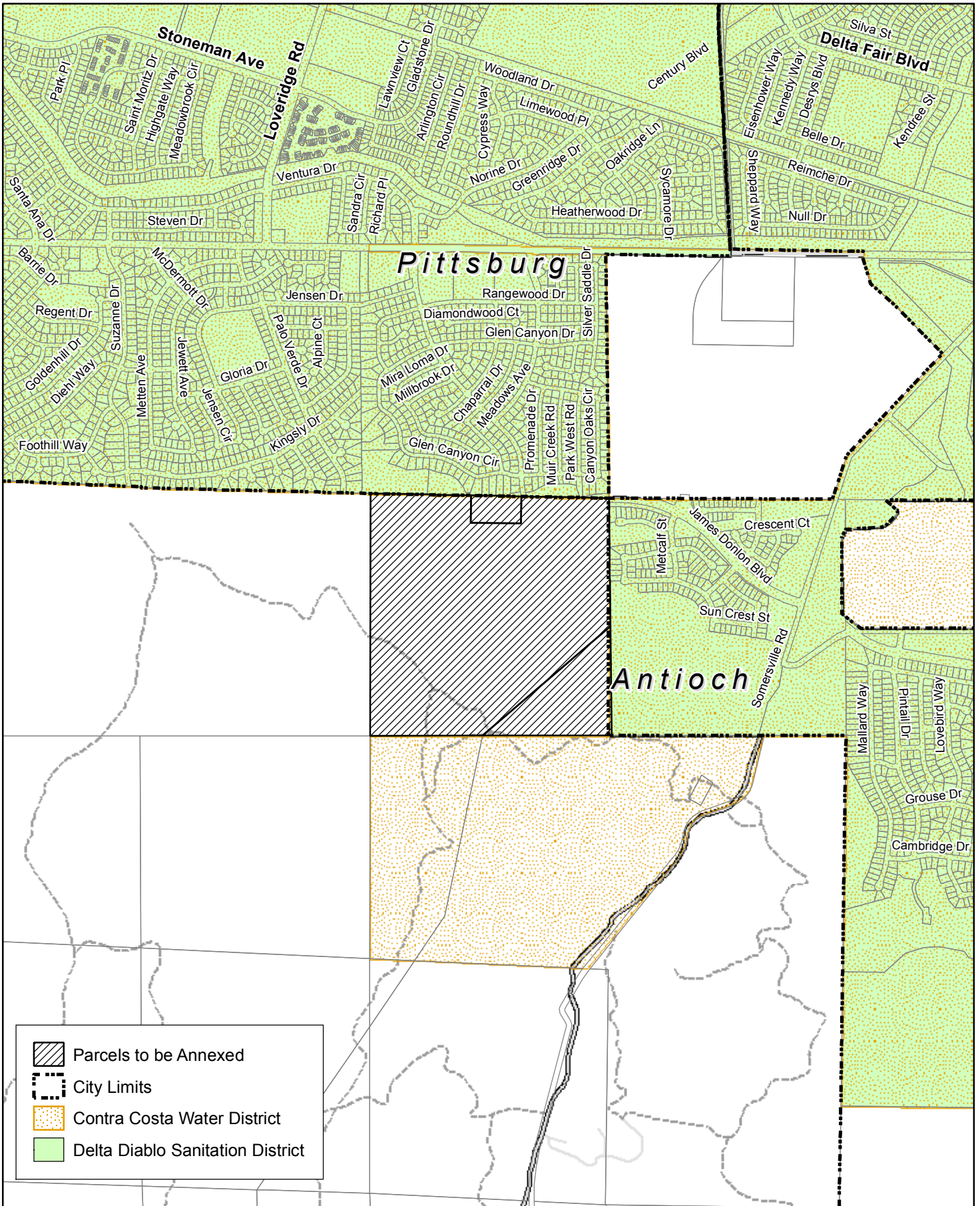
Approve Option 1.





LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

Attachments

1. SOI Map
2. Draft LAFCO Resolution

LAFCO 07-22-- Sky Ranch II SOI Amendment (CCWD and DDSD)



	Parcels to be Annexed
	City Limits
	Contra Costa Water District
	Delta Diablo Sanitation District



SPHERE OF INFLUENCE RESOLUTION NO. 07-22

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND MODIFYING THE SPHERES OF INFLUENCE
OF THE CONTRA COSTA WATER DISTRICT AND
DELTA DIABLO SANITATION DISTRICT (SKY RANCH II)

WHEREAS, a proposal to modify the spheres of influence (SOI) of the Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed amendments of the SOIs of CCWD and DDSD.
2. The Commission is a responsible agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, certifies it has reviewed and considered the information contained in the City of Pittsburg's Sky Ranch II Residential Subdivision Environmental Impact Report and Addendum, Findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program and found these to be adequate; and adopts the Findings and Statement of Overriding Considerations as approved by the City of Pittsburg per Resolution No. 07-10789.
3. The CCWD and DDSD SOIs are hereby modified to include the area shown on the attached maps labeled "Exhibit A and Exhibit B."
4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands.

Approximately 160 acres located at the terminus of Ventura Drive, south of the existing Highlands Ranch Subdivision and approximately one mile southwest of the Somersville Road/Buchanan Road intersection in the unincorporated Pittsburg area (APNs 089-050-042/066/067) are proposed to be added to the CCWD and DDSD SOIs. The area is designated by Contra Costa County as Agricultural, and by the City of Pittsburg for Low Density Residential. The project site is located inside the City of Pittsburg's SOI and within the County and City of Pittsburg respective Urban Limit Lines (ULLs). There are no current Williamson Act Land Conservation Agreements within the site.

While the proposed residential development conflicts with the County General Plan and zoning designations, it is consistent with the City's designations.

The present and probable need for public facilities and services in the area.

Currently, the site is vacant grasslands used for cattle grazing; thus, there is presently no need for public facilities and service.

The proposed uses include a 415 single-family subdivision, detention basin and mini park. Probable need for public services and facilities in the SOI proposal area include water, wastewater and other municipal services to serve future development for this area. Services necessary to serve the project are described in the City of Pittsburg's certified EIR and the project Conditions of Approval associated with the Vesting Tentative Map.

Preliminary estimates indicate that the ultimate water demand for the project is 177,400 to 223,500 gallons per day (200 to 250 acre feet per year). The projected average wastewater generation by the project would be approximately 160,000 gallons per day. The demand for municipal services will be further evaluated with the future annexation proposal.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCWD is a Central Valley Project (CVP) contractor and delivers untreated water through the U.S. Bureau of Reclamation CVP. The untreated water is conveyed through the Contra Costa Canal. The contract provides for a maximum delivery of 195,000 acre feet per year (174 mgd) with reductions in deliveries during water shortages including regulatory restrictions and drought. In addition to CVP water, CCWD has other water sources including various water rights and entitlements.

DDSD's average dry weather flow is 14.2 million gallons per day (mgd), and the wastewater treatment plant capacity is 16.5 mgd (current design) and 22.7 mgd (ultimate capacity).

The present capacity and adequacy of public services and facilities to serve the SOI proposal area are addressed in the City's EIR, Sky Ranch II Reorganization application and Plan for Providing Services. The future annexation of this property will require will serve letters from CCWD and DDSD.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The primary social or economic communities of interest that are relevant to the SOI amendments are the Pittsburg community and the CCWD and DDSD customer base. The SOI amendment is consistent with the Pittsburg voter approved ULL, and would be a logical extension of the CCWD and DDSD boundaries.

The nature, location, and extent of any functions or classes of services provided by the existing district.

CCWD provides both treated and untreated water. The District's boundaries encompass 214± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 510,000 people within all service areas.

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community, and adjacent unincorporated areas. DDSD serves an estimated population of over 181,565 residents in a service area of approximately 52 square miles.

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