

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 08-08                    **East Contra Costa Irrigation District (EDDID) Sphere of Influence (SOI) Amendment (Dutra and Adjoining Properties)**

PROPOSERS                    Jeff and Sara Tamayo and Ronald and Shirley Nunn – landowners/petitioners

ACREAGE & LOCATION                    Approximately 603.31 acres generally located south and east of the intersection of Walnut Boulevard and Marsh Creek Road (various parcels)

PURPOSE:                    To allow for the eventual annexation of the property in order to receive raw water

SYNOPSIS

The landowners filed an application with LAFCO to amend ECCID's SOI boundary to include 603± acres including 592± acres of the Dutra property and 11± acres of surrounding properties. The landowners also submitted a corresponding application to annex the same properties to ECCID; the annexation proposal is currently pending. In September 2007, the ECCID Board approved a resolution (No. 2007-33) consenting to the landowner's proposed annexation and SOI proposal. In January 2008, the ECCID Board approved an Annexation, Water Service and Facilities Agreement for the property.

The ECCID SOI and service boundary are coterminous. The purpose of the proposed SOI expansion is to allow for the future annexation and extension of raw water to the site to serve agricultural uses. In addition, the proposed SOI amendment and annexation will clean-up ECCID's SOI and service boundaries by bringing the remainder of several parcels into the District.

The area proposed for inclusion in the District's SOI is contiguous to the District's existing SOI and service boundary, and is located outside the County Urban Limit Line (ULL). The proposed agricultural uses are consistent with the County General Plan.

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.

A Sphere of Influence 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 a sphere is established, annexations must still be individually weighed and evaluated on their own merits.

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. The MSR includes a review of ECCID services. In March 2008, the Commission approved an SOI update for ECCID, maintaining the existing SOI. The proposed ECCID SOI amendment was considered as part of, and is consistent with, the MSR report.

## 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 District's SOI consists of all or portions of three Dutra properties totaling 592± acres, including all of APN 003-010-013 (211.39 acres) and APN 007-150-018 (51.02 acres), and the remaining portion of APN 007-150-017 (329.37 acres). In addition, there are 11.53 acres of adjoining parcels that are proposed for inclusion in the District's SOI and service boundary, including portions of four parcels (APNs 007-140-009/013/015 and 034). The inclusion of these parcels will bring the remaining portions into ECCID's SOI and service area, thus providing a more logical boundary.

The landowner requests inclusion of the area in ECCID's SOI and boundary in order to receive raw water service to support future agricultural crops including sweet corn, olives and vineyards.

All affected properties are zoned Agricultural Preserve District (A-4). The existing land use in the flatter western area is prepared fields for planting. Historically, the property was irrigated by on-site wells, and produced row crops. In addition, cattle grazing has occurred on the site. Proposed land uses include crop production and are consistent with existing land use and zoning designations.

In January 2008, ECCID, as Lead Agency, adopted a Mitigated Negative Declaration associated with the proposed SOI amendment and pending annexation. The environmental document prepared by the District identifies potential impacts to air quality caused from construction emissions. Mitigation measures were adopted that reduced impacts to less than significant. A copy of this document is available for review in the LAFCO office.

The IS/MND evaluated the impacts of the project on agricultural resources. The project site proposes to develop prime and non-prime farmland into irrigated agricultural plantings, thus supporting future farming activities. The property is not a crop rotational program, and is under an active Williamson Act Land Conservation Agreement (Contract No. 5-74).

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

The area proposed for inclusion in ECCID's SOI is designated for agricultural uses. The existing land use in the flatter western area is prepared fields for planting. Historically, the property was irrigated by on-site wells, and produced row crops. In addition, cattle grazing has occurred on the site.

The proposed boundary change will result in an improved source of water to the property and would facilitate crop production, including sweet corn, vineyards and olives.

Water demand for the proposed use is estimated to be 2 cubic feet per second. Infrastructure needed to serve the proposed use will include extension of an existing lateral, construction of a private irrigation system consisting of mobile pumps and related facilities, and a drip irrigation system. A water service agreement between ECCID and property owners has been executed to address the needed improvements and financing.

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

ECCID supplies irrigation water for agricultural, landscape, recreational and construction uses, as well as raw water for treatment and delivery to urban areas and drainage services. ECCID has a 1912 appropriative right to divert water from Indian Slough on Old River. This right predates the Water Commission Act of 1913 and there is no requirement to obtain permission to exercise the right from any government agency.

ECCID is party to an agreement with the State and the Department of Water Resources that regulates water quality, quantity and diversion. As discussed in the recently completed MSR report, ECCID has various rules, regulations and practices in place to monitor water supply and demand.

The District's water system infrastructure includes wells, pump stations and a conveyance system of canals, ditches and pipelines. As part of the MSR, no infrastructure issues were noted.

The District has adequate supplies to serve its customers, and policies are in place to regulate and monitor water supply and demand. Further, ECCID has the resources to support additional infrastructure as needed.

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 amendment include the farming community and the ECCID customer base. The SOI amendment is consistent with these interests, and would be a logical extension of the ECCID boundary.

*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.*

ECCID provides irrigation water for agricultural, landscape, recreation and construction uses; untreated water for treatment and delivery for urban uses; and agricultural land drainage. The District serves an area that includes the City of Brentwood, the unincorporated community of Knightsen, portions of the cities of Antioch and Oakley, and some unincorporated areas south of Antioch and east of Brentwood.

## **Environmental Impact of the Proposal**

In January 2008, ECCID, as Lead Agency, adopted a Mitigated Negative Declaration associated with the proposed SOI amendment and pending annexation. The environmental document prepared by the District identifies potential impacts to air quality caused from construction emissions. Mitigation measures were adopted that reduced impacts to less than significant.

### 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 the sphere expansion to include 603± acres generally located south and east of Walnut Boulevard and March Creek Road.

- A.      Determine that ECCID, as Lead Agency, prepared and certified the Initial Study/ Mitigated Negative Declaration entitled *Amendment of East Contra Costa Irrigation District's Sphere of Influence Amendment and Annexation of the "Dutra Property" and Adjoining Partial Parcels* (December 17, 2007).
- B.      Certify that the Commission has reviewed and considered the information contained in the CEQA document prepared by ECCID.
- C.      Adopt this report and amend the Sphere of Influence of ECCID to include a total of 603.31 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.

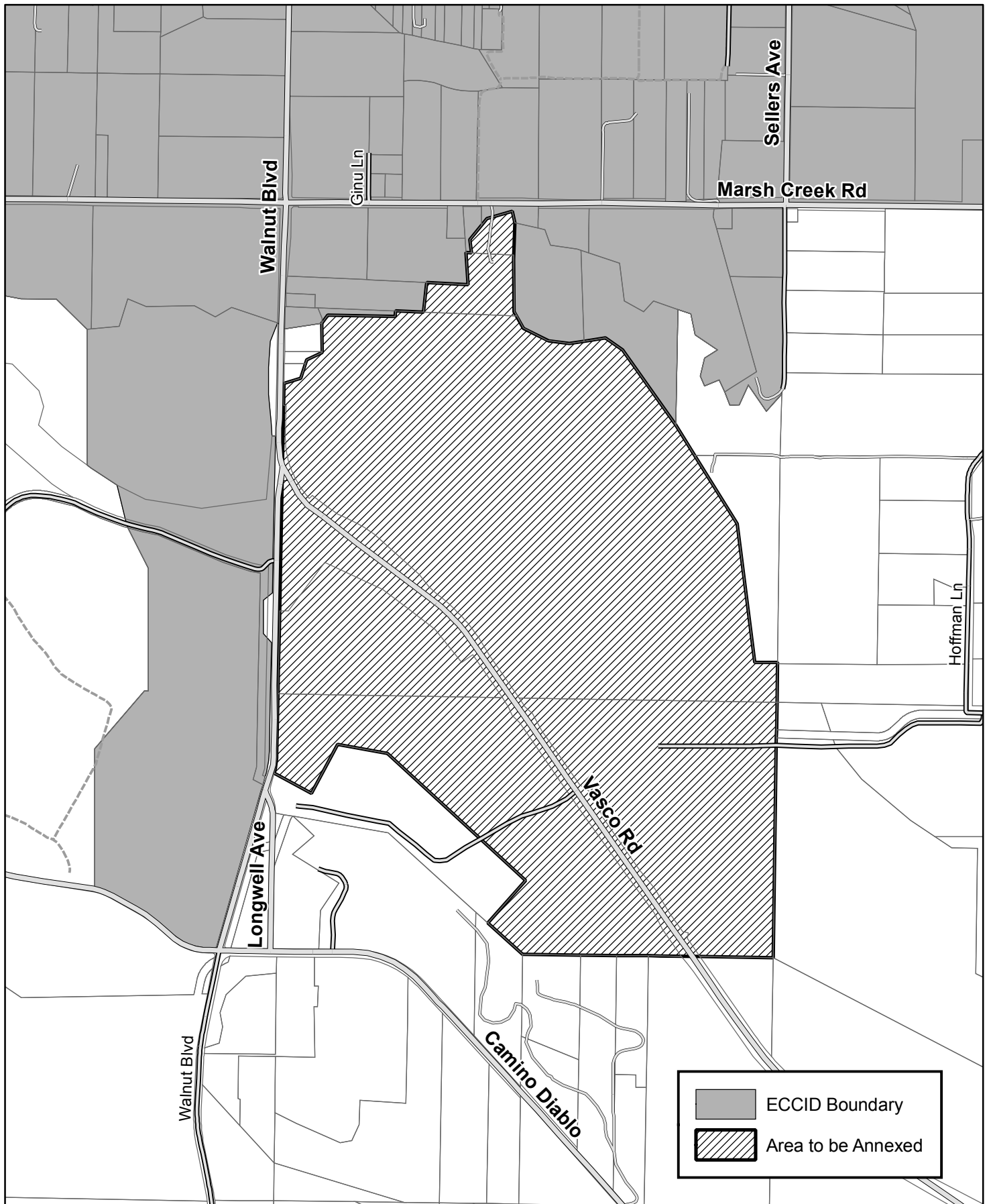
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LOU ANN TEXEIRA  
EXECUTIVE OFFICER  
LOCAL AGENCY FORMATION COMMISSION

#### Attachments

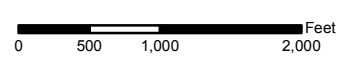
1. SOI Map
2. Draft LAFCO Resolution

# LAFCO 08-08: East Contra Costa Irrigation District Sphere of Influence Amendment (Dutra Property)



Map created 2/28/2008  
 by Contra Costa County Community Development, GIS Group  
 661 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.



SPHERE OF INFLUENCE RESOLUTION NO. 08-08

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND MODIFYING THE SPHERE OF INFLUENCE  
OF THE EAST CONTRA COSTA IRRIGATION DISTRICT (DUTRA AND ADJOINING PROPERTIES)

WHEREAS, a proposal to modify the sphere of influence (SOI) of the East Contra Costa Irrigation (ECCID) 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 amendment of the SOI of the ECCID.
2. The Commission is a responsible agency under the California Environmental Quality Act (CEQA); and, in accordance with CEQA, has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration entitled *Amendment of East Contra Costa Irrigation District's Sphere of Influence Amendment and Annexation of the "Dutra Property" and Adjoining Partial Parcels* (December 17, 2007) and found it to be adequate.
3. The ECCID SOI is hereby modified to include the area shown on the attached map labeled "Exhibit A."
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 603.31 acres generally located south and east of Walnut Boulevard and Marsh Creek Road including all or portions of the Dutra property including APNs 003-010-013 (211.39 acres), 007-150-018 (51.02 acres), 007-150-017 (329.37 acres), and portions of four adjoining parcels including APNs 007-140-009/013/015 and 034. The area is designated for agricultural uses, and is located outside the County Urban Limit Line. The property is not a crop rotational program, and is under an active Williamson Act Land Conservation Agreement (Contract No. 5-74).

No changes in land uses are proposed, and the proposal is consistent with the existing land use and zoning designations.

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

The existing land use in the flatter western area is prepared fields for planting. Historically, the property was irrigated by on-site wells, and produced row crops. In addition, cattle grazing has occurred on the site.

Probable need for service includes an improved source of water to the property to facilitate crop production, including sweet corn, vineyards and olives.

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

ECCID supplies irrigation water for agricultural, landscape, recreational and construction uses, as well as raw water for treatment and delivery to urban areas and drainage services. ECCID has a 1912 appropriative right to divert water from Indian Slough on Old River.

ECCID is party to an agreement with the State and the Department of Water Resources that regulates water quality, quantity and diversion. The parties have various rules, regulations and practices in place to monitor water supply and demand.

The District's water system infrastructure includes wells, pump stations and a conveyance system of canals, ditches and pipelines. The District has adequate infrastructure and water supplies to serve its customers, and policies are in place to regulate and monitor water supply and demand. Further, ECCID has the resources to support additional infrastructure as needed.

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 amendment are the farming community and the ECCID customer base. The SOI amendment is consistent with these interests, and would be a logical extension of the ECCID boundary.

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

ECCID provides irrigation water for agricultural, landscape, recreation and construction uses; untreated water for treatment and delivery for urban uses; and agricultural land drainage. The District serves an area that includes the City of Brentwood, the unincorporated community of Knightsen, portions of the cities of Antioch and Oakley, and some unincorporated areas south of Antioch and east of Brentwood.

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PASSED AND ADOPTED THIS 9<sup>TH</sup> day of April 2008, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

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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

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Lou Ann Texeira, Executive Officer