

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 9, 2008 (Agenda)

LAFCO 08-11 **Delta Diablo Sanitation District (DDSD) Sphere of Influence (SOI) Amendment (1875 Loveridge Road)**

PROPONENT Ken Borja – landowner/petitioner

ACREAGE & LOCATION Approximately 2.53 acres located at 1875 Loveridge Road in the City of Pittsburg (APNs 073-190-022 and -023)

PURPOSE: To allow for the eventual annexation of the property in order to extend wastewater services to the site

SYNOPSIS

The landowner filed an application with LAFCO to amend DDSD's SOI boundary to include 2.53± acres located at 1875 Loveridge Road in Pittsburg. The landowner submitted a corresponding application to annex the same property to DDSD; the annexation proposal is currently pending.

The DDSD SOI and service boundary are coterminous (except for the southern portion of Roddy Ranch). The purpose of the proposed SOI expansion is to allow for the future annexation to DDSD to serve an existing office and warehouse facility which is planned for expansion. The proposed expansion will exceed the capacity of the current septic system and require its removal. Given the location of the facility, water table in the area and proximity to DDSD's existing service boundary, extending municipal sewer service to the site is desirable.

The area proposed for inclusion in the District's SOI is contiguous to the District's existing SOI and service boundary, and is located inside the City of Pittsburg's 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.

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 East County Water/Wastewater Services MSR report, which included a review of DDS D services. In April 2008, the Commission will consider approving an SOI update for DDS D. The proposed DDS D SOI amendment 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 two parcels (APNs 073-190-022 and -023). The applicant requests inclusion of the area in DDS D's SOI and service boundary in order to extend municipal sewer services to the site.

General Plan land use and zoning designations for the site are Business Commercial and Service Commercial, respectively. There are no agricultural or open space lands in the immediate area, and no current Williamson Act Land Conservation Agreements within the site.

The existing use includes a 3,976 sq. ft. office and warehouse building and storage yard for a construction company. The existing use will continue, with plans to enlarge the facility by 2,103 sq. ft. No change in land use is proposed.

Surrounding land uses are commercial and industrial. Present and planned land uses are consistent with the City's General Plan land use and zoning designations for the area.

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

The area proposed for inclusion in DDS D's SOI is currently occupied by a 3,976 sq. ft. office and warehouse building and storage yard; plans have been approved by the City of Pittsburg to expand the facility. The existing facility is served by a septic system. The proposed expansion will necessitate the need for increased sewer services. Given the location of the facility, the relatively high water table in the area, and the proximity of the project site to DDS D's existing service boundary, municipal sewer service is desirable.

The City of Pittsburg provides sewer collection services, and DDS D provides wastewater conveyance, treatment and disposal services. The City has identified the existing sewer main in Loveridge Road as having sufficient capacity to convey the wastewater to the DDS D conveyance and wastewater treatment system. The DDS D estimates the wastewater discharge for the expanded business at approximately 320 gallons per day (gpd). The District indicates that it has both constructed and planned capacity in its conveyance and treatment systems to serve the facility.

The property is located in the City of Pittsburg, which provides most other municipal services to the site.

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

DDS D's wastewater existing 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).

The property owner will be required to install a 6-inch side sewer to connect the building to the existing sewer main located in Loveridge Road upon annexation. No other improvements will be required.

Based on the current land use designations, and potential service demand, DDS D has sufficient capacity and facilities to serve the project area. Most other municipal services will be provided by the City of Pittsburg.

- 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 are the Pittsburg community and the DDS D customer base. The SOI amendment is consistent with these interests, and would be a logical extension of the DDS D 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.

DDS D provides wastewater conveyance, treatment, disposal, recycled water, street sweeping, and household hazardous waste collection to the cities of Antioch and Pittsburg, the Bay Point community, and adjacent unincorporated areas.

Environmental Impact of the Proposal

The District, as Lead Agency, has determined that the project is Categorically Exempt pursuant to CEQA Class 3 (§15303) "New Construction or Conversion of Small Structures" and Class 19 (§15319) "Annexations of Existing Facilities and Lots for Exempt Facilities."

LAFCO's Environmental Coordinator reviewed the proposed LAFCO project to determine whether there is a potential for adverse environmental impacts and determines that the LAFCO action will have no significant impacts. For this reason, a General Rule Exemption from CEQA pursuant to Government Code §15061(b)(3) is recommended.

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 2.53± acres located at 1875 Loveridge Road in the City of Pittsburg (APNs 073-190-022 and -023).
- A. Determine that the project is exempt from CEQA pursuant to Government Code §15061(b)(3).
 - B. Adopt this report and amend the Sphere of Influence of the Delta Diablo Sanitation District to include a total of 2.53± 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:

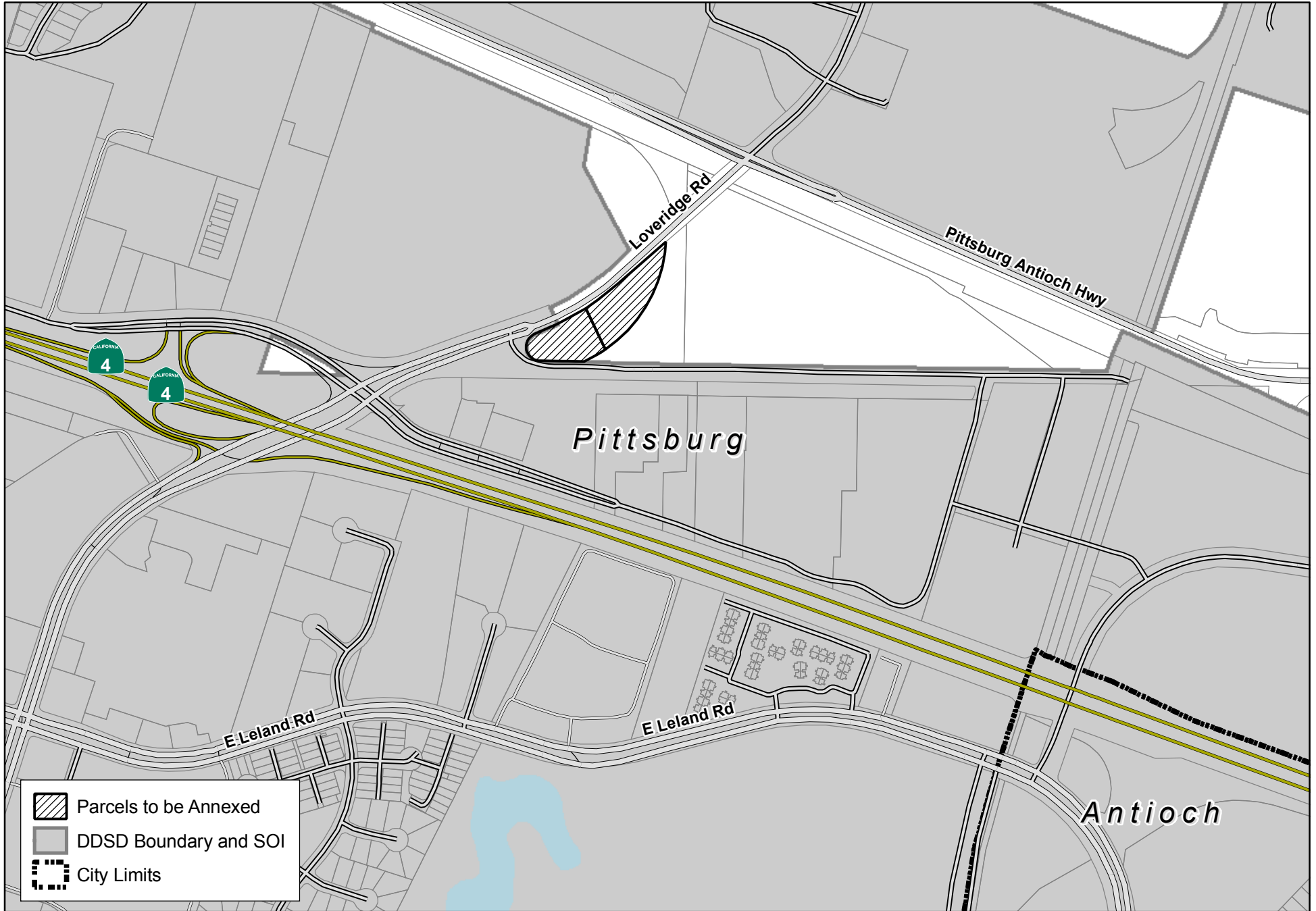
Approve Option 1.




LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

Attachments

1. SOI Map
2. Draft LAFCO Resolution

LAFCO 08-11: Delta Diablo Sanitation District SOI Amendment (1875 Loveridge Road)



-  Parcels to be Annexed
-  DDSD Boundary and SOI
-  City Limits



SPHERE OF INFLUENCE RESOLUTION NO. 08-11

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND MODIFYING THE SPHERE OF INFLUENCE
OF THE DELTA DIABLO SANITATION DISTRICT (1875 LOVERIDGE ROAD)

WHEREAS, a proposal to modify the sphere of influence (SOI) of the 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 amendment of the SOI of the DDSD.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA). The DDSD, as Lead Agency, has determined that the project is categorically exempt pursuant to CEQA Class 3 (§15303) and Class 19 (§15319). LAFCO's Environmental Coordinator reviewed the proposed LAFCO project to determine whether there is a potential for adverse environmental impacts and determines that the LAFCO action will have no significant impacts. For this reason, a General Rule Exemption from CEQA pursuant to Government Code §15061(b)(3) is adequate.
3. The DDSD 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 2.53 acres located at 1875 Loveridge Road in the City of Pittsburg (APNs 073-190-022 and -023) are proposed to be added to the DDSD's SOI. The area is designated for commercial uses, and is located inside the County and City of Pittsburg respective Urban Limit Lines. There are no agricultural or open space uses in the immediate area, and no current Williamson Act Land Conservation Agreements within the site.

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.

Currently, the site is occupied by a 3,976 sq. ft. office and warehouse building and storage yard; plans are underway to expand the facility by approximately 2,103 sq. ft. The existing facility is served by a septic system. The proposed expansion will necessitate the need for increased sewer services and the removal and replacement of the existing septic system. Given the location of the facility, the relatively high water table in the area, and the proximity of the project site to DDSD's existing service boundary, municipal sewer service is desirable.

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

DDSD indicates it has the present capability and adequate facilities to serve the SOI proposal area, given existing land uses and potential service demand.

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

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

DDSD provides wastewater conveyance, treatment, disposal, recycled water, street sweeping, and household hazardous waste collection to the cities of Antioch and Pittsburg, the Bay Point community, and adjacent unincorporated areas.

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