

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 14, 2008 (Agenda)

LAFCO 08-10: 1875 Loveridge Road Annexation to Delta Diablo Sanitation District (DDSD)

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)

SYNOPSIS

The landowner filed an application with LAFCO to annex the properties to DDSD. The purpose of the annexation is to extend sanitary sewer service to the parcels to serve an existing office and warehouse facility that is planned for expansion. The proposed expansion will exceed the capacity of the current septic system. 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.

DISCUSSION

The CKH Act sets forth factors that the Commission is required to consider in evaluating any proposed change of organization or reorganization as discussed below (Government Code §56668). In your Commission's review and evaluation, no single factor is determinative. In reaching your decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the area where probable service will be needed. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI.

The property proposed for annexation is within DDSD's SOI.

2. Land Use, Planning and Zoning - Present and Future:

The City General Plan and zoning designations for the property are Business Commercial and Service Commercial, respectively. The annexation area is within both the City of Pittsburg and Contra Costa County Urban Limit Lines.

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 future land uses are consistent with the City's General Plan land use and zoning designations for the area.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation Agreements.

4. Topography, Natural Features and Drainage Basins:

The topography of the affected and surrounding parcels is developed and generally flat. Surrounding area includes drainage courses.

5. Population:

Given the nature of the proposal, there will be no increase in population.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments.

The proposal will have no impact on the fair share of regional housing.

7. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency must also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the LAFCO Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The "Plan for Providing Services Within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The property proposed for annexation is served primarily by the City of Pittsburg, with fire service provided by Contra Costa County Fire Protection District. Contra Costa Water District (CCWD) provides wholesale water to the properties.

The proposal before the Commission is to annex the properties to DDS D for the provision of sanitary sewer service. The City of Pittsburg will provide the collection and DDS D is proposed to provide treatment and disposal.

DDS D'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).

DDS D estimates the wastewater discharge for the expanded business at approximately 320 gallons per day (gpd). The District's available average daily capacity is 2.3 mgd. DDS D has adequate capacity to serve the project site.

With regard to infrastructure and improvements, the property owner proposes to install a 6-inch side sewer in order to connect to an existing sewer main on Loveridge Road. No other improvements are required.

With regard to funding, costs will be borne by the property owner.

8. Timely Availability of Water and Related Issues:

The City of Pittsburg provides water treatment and distribution to its residents and businesses. The City obtains approximately 90% of its untreated water supply from CCWD through the U.S. Bureau of Reclamation Central Valley Project; water supplies are supplemented by locally produced ground water.

The City currently serves approximately 15,100 connections. Major infrastructure includes 150 miles of main and five booster stations. For planning purposes, the City estimates water demand at 180 gallons per capita per day. Average daily demand is estimated at 10.3 mgd, and maximum daily demand at 17.8 mgd. The City's water treatment facilities currently operate at a peak rate of approximately 22 mgd. It has a design capacity of 32 mgd, and is currently permitted by the State for 28 mgd.

Water is currently available to the site, and minimal increase in water usage is anticipated. Adequate water supply is available to serve the project.

9. Assessed Value, Tax Rates and Indebtedness:

The property proposed for annexation is within tax rate area 07051. The assessed value for the parcels is \$1,385,725 (2007-08). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agency.

10. Environmental Impact of the Proposal:

The District, as Lead Agency, has determined that the project is Categorical 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.

11. Landowner Consent and Consent by Annexing Agency:

The property owner has given written consent to the boundary change. The annexing agency consents to the waiver of conducting authority proceedings. The territory is uninhabited, as there are fewer than 12 registered voters.

12. Boundaries and Lines of Assessment:

There are no conflicts with lines of assessment or ownership. A map to implement this change is subject to approval by the County Surveyor.

13. Environmental Justice:

Beginning January 1, 2008, Government Code §56668(o) requires that LAFCO consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

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 options:

**Option 1**

Approve the annexation as submitted.

- A. Determine that the project is exempt from CEQA pursuant to Government Code §15061(b)(3).
- B. Adopt this report and approve the proposal, to be known as 1875 Loveridge Road Annexation to DDS subject to the following terms and conditions:

1. The territory being annexed to DDSD shall be included in Zone 2.
  2. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
  3. Prior to recordation, the applicant shall deliver an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have consented to the annexation and 3) the annexing agency has consented to the waiver of conducting authority proceedings.
- D. Waive conducting authority proceedings and direct the staff to complete the proceeding.

**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

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