

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 14, 2008 (Agenda)

LAFCO 06-16: Mirant Power Plant Reorganization: Annexations to the City of Pittsburg and Delta Diablo Sanitation District (DDSD)

PROPONENT: City of Pittsburg – City Council Resolution 06-10566 adopted June 19, 2006

ACREAGE & LOCATION Approximately 1,467± acres to the City, of which, 1,427± would also be annexed to DDSD, including land and water, generally located north of Willow Pass Road and south of Suisin Bay, and includes the Mirant Power Plant and surrounding areas (numerous parcels)

SYNOPSIS

The City filed an application with LAFCO to annex the Mirant Power Plant and surrounding properties (1,467± acres) to the City of Pittsburg, of which, 1,427± would also be annexed to DDSD. The purpose of the reorganization is to extend municipal services to the area, and to implement a number of goals contained in the City's General Plan.

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 primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI.

The reorganization area is within both the City's and DDSD's SOIs in accordance with the Commission action on April 9, 2008 to amend DDSD's SOI to include the proposal area. The reorganization area is also within both the City of Pittsburg and Contra Costa County Urban Limit Lines.

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

The area proposed for annexation to the City and DDSD consists of a number of parcels, including the Mirant Power Plant, other properties designated for industrial use, open space, wetlands, submerged property and 298± acres of State of California lands within the Suisin Bay.

The City requests annexation in order to extend municipal services to the Mirant Power Plant site and adjacent properties, in accordance with the land use designations shown in the table below.

APN	County General Plan	County Zoning	City General Plan	City Prezoning
085-010-012	WA/HI/PR	U	NA (submerged)	NA (submerged)
085-010-014	HI/OS/PR	HI/U	I/OS/UR	IG/OS/GQ
085-010-015	HI/WA	HI	I	IG
096-092-006	HI	C (Commercial)	I	IL
096-092-007	HI	C	I	IL
096-092-009	HI	C	I	IL
096-092-012	HI	C	I	IL
096-092-013	HI	HI	I	IL
096-092-014	HI	C	I	IL
096-100-015	OS/WA	HI/U	OS	OS
096-100-017	OS/WA	HI/U	OS	OS
096-100-018	OS	HI	OS	OS/GQ
096-100-024	HI	HI	I	IG
096-100-025	HI	HI	I	IG
096-100-026	HI/OS/WA	HI/U	I/OS/UR	I/OS/GQ

Key:* **GQ = Governmental/Quasi-Public, **HI** = Heavy Industry, **I** = Industrial, **IG** = General Industrial, **IL** = Limited Industrial, **NA** = No Designation, **OS** = Open Space, **PR** = Parks & Recreation, **U** = Unrestricted, **UR** = Utility/Right-of-Way, **WA** = Water

**Note:* For parcels containing two or more land use designations, all are noted.

Portions of the annexation area are included in the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The HCP/NCCP is a Joint Powers Authority consisting of seven entities, including the City of Pittsburg. According to the City, the proposed annexation will not result in any conflicts with the HCP/NCCP.

Also, the current multi-use PG&E power line that runs through the annexation area is located in a utility corridor zoned for open space uses. This area has been prezoned by the city for Open Space, thereby retaining the existing land use designation.

Surrounding land uses include residential and marine/service commercial to the east; vacant land and open space to the west; vacant and submerged land and open space to the north; and a mix of commercial, industrial, utility right-of-way and residential to the south.

In general, the City General Plan and prezoning designations are consistent with the County land use designations, and permit various land uses as identified in the table above.

The City indicates that there are presently no anticipated development projects for the annexation area. The City's rezoning of the properties approximates the County General Plan designations. The existing uses within the annexation area are consistent with the rezoning designations, with the exception of two mobile home parks. The City indicates that following annexation these will become legal, non-conforming uses.

The City desires future land use and design control of the Mirant Power Plant, which is located adjacent to the City's downtown and has frontage along Willow Pass Road. In addition, the City has interests in a potential partnership with Mirant through the City's power company, and in facilitating the construction of a multi-use trail along the former Sacramento Northern Railroad right-of-way.

Pursuant to the Government Code §56375(e), no subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate a departure from the rezoning in the application to your Commission.

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 general topography of the affected and surrounding area is flat with northern portions of the area submerged (Sacramento/San Joaquin River Delta).

The annexation area contains State owned sovereign lands (i.e., submerged or tidelands). Government Code §56740(a) precludes LAFCO from annexing such lands to a city, unless the annexation is first approved by the State Lands Commission. On May 10, 2007, the State approved the annexation of the affected area.

A portion of the area proposed for annexation is located in the 100-year floodplain. The City indicates that all developed portions of the annexation area are outside the floodplain; and that the Mirant Power Plant maintains levees to prevent flood hazards to its facilities. Upon annexation, the City would assume jurisdiction over drainage and flood control services.

5. Population:

The annexation areas currently contains 280-300 dwelling units located in the two mobile home parks located south of the railroad tracks on Willow Pass Road. 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, as no residential uses are proposed.

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 City's "Plan for Providing Services" is attached. In accordance with this proposal, the City of Pittsburg will provide a range of municipal services, including general government, police, recreation, community development, and public works. Wholesale water services will continue to be provided by the CCWD, with the City of Pittsburg providing retail water as needed. Sewer service is proposed to be provided by DDS as part of this reorganization. Fire services will continue to be provided by the Contra Costa County Fire Protection District (CCCFPD).

As described in the City's service plan, given that no land use changes or development is proposed, there will be minimal impact to most city services, as discussed below.

Fire Protection – Fire and emergency medical service are provided by CCCFPD and will continue to be provided by this agency upon annexation. Per the City's service plan, CCCFPD maintains four fire stations within the Pittsburg/Bay Point area, with two stations planned for

future relocation in order to improve response time. The annexation area is located within 1.5 miles of fire stations 84 and 87. Given the current land use designations, and that no new development is proposed, the City does not anticipate an increase in the need for fire protection services.

Police Services – Law enforcement services are currently provided to the reorganization area by the Contra Costa County Sheriff's Department. Upon annexation, police services would be provided by the City of Pittsburg. Given the current land use designations, and that no new development is proposed, the City indicates that no additional police staff would be needed to serve the annexation area. Should additional police services be needed in the future, the City has in place a citywide Community Facilities District that requires new development to fund services, including police services.

Streets and Roadways – The annexation area contains primarily privately owned roadways. Willow Pass Road borders the southern edge of the annexation area and is entirely within the existing City boundaries. Therefore, no impact to streets and roadways is anticipated.

Wastewater Services - The annexation area is occupied by the Mirant Power Generation Plant, with associated cooling ponds, miscellaneous infrastructure and buffer lands. In addition, the area includes the PG&E power line corridor, open space (undevelopable wetlands), and 170± acres of vacant land designated for industrial use.

Present wastewater service to the project area is limited to the Mirant Power Plant which discharges its domestic/office flows to the DDS system for treatment. The plant pays a bimonthly sewer service charge. In addition, the plant maintains its own NPDES permit for its industrial processes/cooling towers. DDS owns and operates two conveyance facilities in the project area: a 1,400± linear foot gravity sewer trunk line, and a 30" gravity sewer interceptor which serves both Bay Point and Pittsburg.

The Mirant Power Plant average daily wastewater flow is approximately 4,810 gallons per day (gpd). The remaining parcels within the annexation area are either currently receiving service through DDS (i.e., two mobile home parks) or will not need service (i.e., open space areas).

The City indicates that no development is proposed for the project area. However, there is a potential for future development, given that the project site includes 170± acres of vacant land designated for industrial uses. According to the City's Wastewater Collection System Master Plan, the base wastewater flow for industrial uses is 600± gpd per acre. Therefore, should the 170± acres be developed, the estimated wastewater flow could increase by an additional 102,000 gpd. Any future development of this area will be required to fund the needed infrastructure.

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).

The District indicates that it is able and willing to continue to serve the Mirant Power Plant. Further, DDSB has the capacity to serve future industrial uses based on existing land use designations and zoning as described above. The District stipulates that should expanded service be required, demonstration of sewer conveyance and treatment plant capacity would be required as a condition of approval.

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. 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.

There are currently two properties receiving municipal water within the area proposed for annexation: McCampbell Analytical Company and the Mirant Power Plant. Water demands, as well as a description of the existing infrastructure for these properties, are summarized in the City's Plan for Providing Services.

Other occupied properties in the annexation area, including the two mobile home parks and several other small businesses, are currently using well water. There are no plans to modify this method of water service or make new municipal connections at this time. However, upon annexation, these properties may request municipal water service from the City, and would bear costs associated with service.

As proposed, the reorganization does not anticipate an increase in the demand for water service.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate areas 86006, 86006 and 86021. The assessed value for the parcels is \$22,980,023 (2006-07 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

The City of Pittsburg, as Lead Agency, prepared various environmental reports associated with the proposed SOI amendment and pending reorganization proposal, including the *Mirant Reorganization – Delta Diablo Sanitation District's Sphere of Influence Amendment and*

Annexation Negative Declaration (February 2008) and the *Mirant Power Generation Plant Annexation General Plan Amendment and Rezoning Negative Declaration* (July 2006).

On February 19, 2008, the City adopted a Negative Declaration (IS/ND) specific to the proposed DDSD SOI boundary amendment. It was determined by the City that no significant environmental impacts would occur as a result of the proposed boundary change.

11. Landowner Consent and Consent by Annexing Agency:

The area proposed for annexation is considered inhabited, as there are more than 12 registered voters in the proposal area.

The City indicates that less than 100% of the affected landowners/voters have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest), proceedings. Written notice was provided to all affected landowners and registered voters, as well as those landowners/voters within 300 feet of the exterior boundaries of the area(s) of the proposed annexation and the May 14 LAFCO hearing.

If no written protests are received from those affected prior to the conclusion of the hearing on May 14, the Commission may waive the protest proceedings. However, if written protest is received at any time prior to or during the hearing, a protest hearing is required.

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 reorganization as submitted.

- A. Determine that the City of Pittsburg, as Lead Agency, prepared and certified the *Mirant Reorganization – Delta Diablo Sanitation District's Sphere of Influence Amendment and Annexation Negative Declaration* (February 2008) and the *Mirant Power Generation Plant Annexation General Plan Amendment and Rezoning Negative Declaration* (July 2006).
- B. Certify that the Commission has reviewed and considered the information contained in the CEQA documents prepared by the City of Pittsburg.
- C. Adopt this report and approve the proposal, to be known as the Mirant Power Plant Reorganization: Annexations to the City of Pittsburg and Delta Diablo Sanitation District, subject to the following terms and conditions:
 - 1. The territory being annexed to DDSO 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 agencies.
 - 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 reorganization.
- D. Find that the subject territory is inhabited and that the annexing agencies have consented waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have provided written consent to the annexation. Should LAFCO receive any written protest to the annexation from an affected party prior to or during the public hearing, then a protest hearing is required. Should no written protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

Option 2 Adopt this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

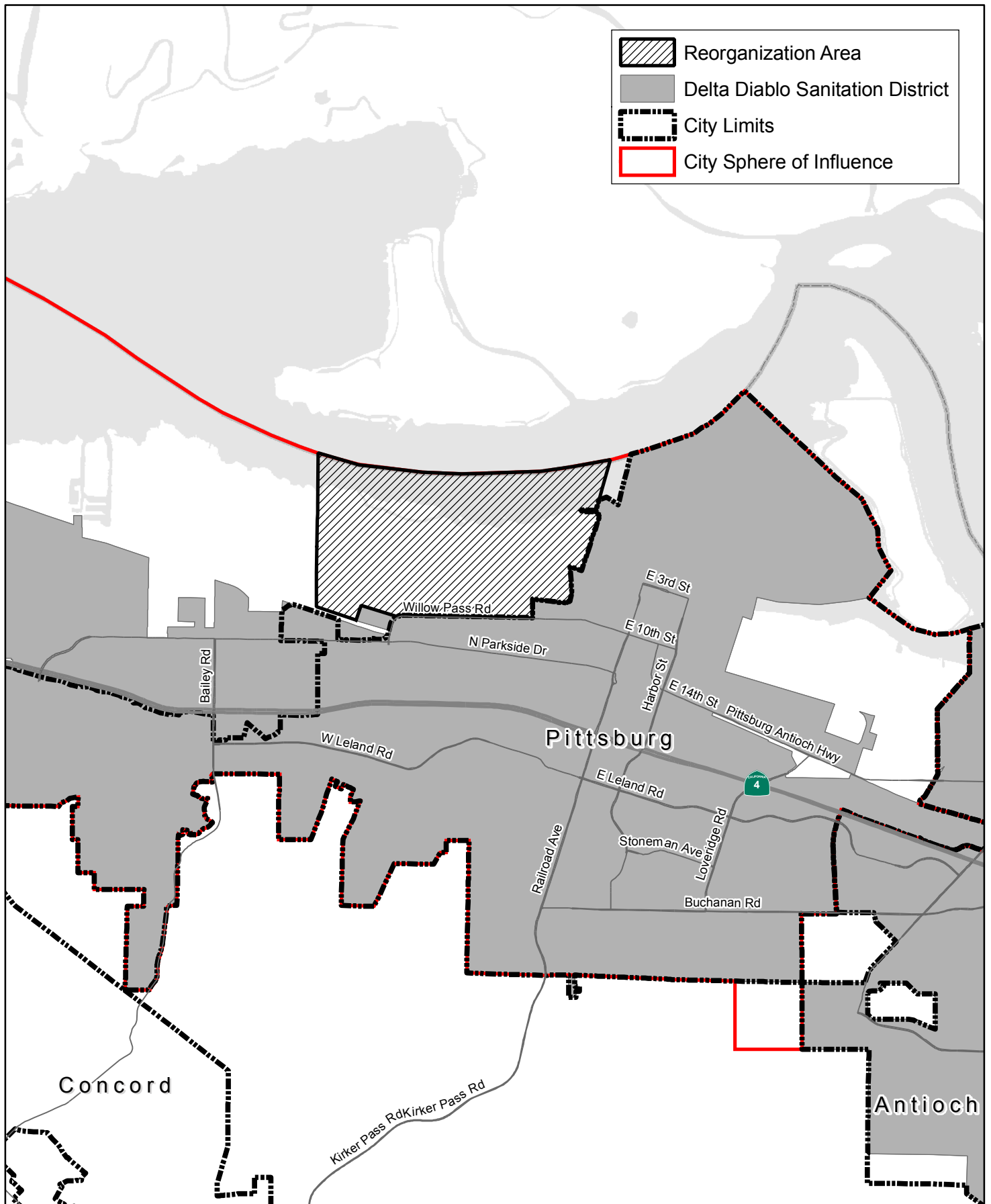
RECOMMENDED ACTION:





Approve Option 1.

LOU ANN TEXEIRA
EXECUTIVE OFFICER, LOCAL AGENCY FORMATION COMMISSION

Attachments (Vicinity Map and Plan for Providing Service)
c: Distribution

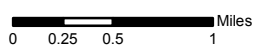
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	Reorganization Area
	Delta Diablo Sanitation District
	City Limits
	City Sphere of Influence

Map created 11/15/2006
 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.



Plan for Providing Services

Mirant Power Plant Reorganization

This "Plan for Providing Services" and the supporting attachments describe public services to be extended to the Mirant Power Plant Reorganization area. The Plan for Providing Service demonstrates how the proposed new primary service provider (City of Pittsburg) would provide needed public services in the reorganization area. The principle new service proposed for the project area is wastewater treatment and police protection services. Other service changes are discussed and summarized to assist with LAFCO's review of the proposal, including services provided by local agencies whose boundaries would not be changed by the proposed reorganization.

I. Description of the Project

The proposed Mirant Reorganization project would annex approximately 1,467 acres into the City of Pittsburg. This includes fifteen (15) parcels of land totaling approximately 1,169 acres and approximately 298 acres of State of California lands, which do not have parcel numbers and are located along the coastline within the Suisun Bay.

Changes to Delta Diablo Sanitation District (DDSD's) boundaries are also necessary, as 1,427 acres of land and submerged parcels, would be annexed and included in DDSD's Sphere of Influence (SOI). Parcels proposed for DDSD annexation and SOI amendment include assessor parcel numbers (APN): 085-010-012, 085-010-014, 085-010-015, 096-100-015, 096-100-017, 096-100-018, and 096-100-026, totaling approximately 1,129 acres. In addition, the DDSD annexation and SOI amendment also includes the 298 acres of State of California lands, located along the coastline within the Suisun Bay.

The reorganization area is located north of Willow Pass Road, northwest of the City of Pittsburg, adjacent to downtown Pittsburg and south of Suisun Bay, and it lies outside of the City's municipal boundary and DDSD's service boundary and SOI. The reorganization area can be generally described as being primarily occupied by the Mirant Power Plant with associated cooling ponds and miscellaneous infrastructure and buffer lands, including the PG&E power line corridor and open space. Also included within the southwest portion of the reorganization area are several existing industrial businesses and two mobile home parks. Most of the open space areas within the project area are generally owned by Southern Energy Delta, LLC (aka 'Mirant Power Plant'), and would remain as open space.

The reorganization area is currently within the City's Sphere of Influence (SOI) and Planning Area, but lies outside of the City's municipal boundary. The properties associated with this project lie within the November 2005, Pittsburg voter approved Urban Limit Line (result of Measure P).

The reorganization would enable the parcels to receive wastewater treatment services, and will also eliminate the extra-territorial service that DDSD currently provides to the Mirant Power Plant, a goal of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

II. Enumeration of Services

Service	Current Provider	Proposed Provider
Water	Supplied by CCWD, Pittsburg well water, or on-site well water; Municipal water within the project area is treated & conveyed by the City of Pittsburg. (The entire project site is within CCWD service area)	Same – No change
Wastewater Treatment (sewer)	<p>Of the entire project area, there are forty (40) acres that are inside the DDSD service area. Properties within the DDSD boundaries either currently receive service from the District, or they operate on septic, or they have no service (vacant).</p> <p>There are no sewer connections existing outside of the DDSD service area (within the remaining 1,427 acres of the project site), with the exception of extraterritorial service that is provided for the Mirant Power Plant (domestic/office flows only). The Plant has its own existing NPDES permit for its industrial wastewater discharge.</p> <p>Contra Costa County Public Works (PW) maintains the pipes and pump service for the 40 acres within the DDSD boundary.</p>	<p>DDSD would provide service/treatment for the entire project area. The City of Pittsburg PW would provide pipe and pump maintenance.</p> <p>The Mirant Power Plant would maintain its existing NPDES permit for its industrial wastewater discharge.</p>
Police Protection	Contra Costa Sheriff's Department	City of Pittsburg Police Department
Fire Protection	Contra Costa County Fire Protection District (CCCFPD)	Same – No change
Streets/Roadways	Any existing streets within the project are private roadways that are the responsibility of the property owner to maintain. Light poles are owned and maintained by PG&E.	Same – No change
Storm Drainage	Contra Costa County Flood Control & Water District (CCCFCWD) has current jurisdiction. Most existing drainage	City of Pittsburg would assume jurisdiction. There

	happens via surface drainage to the Delta; however, any existing pipes are privately owned and maintained and they also drain to the Delta.	would be no change in the ownership or maintenance of existing pipes.
Refuse/ Solid Waste Disposal	Bayshore Disposal & Allied Waste	Pittsburg Disposal
Parks/ Recreation & Schools	No Park and Recreation Services provided. School district is the Pittsburg Unified School District (PUSD).	City of Pittsburg, Parks & Recreation Department and PUSD

III. Discussion of Services

A. Water Service

The Project Site is located within the Contra Costa Water District (CCWD) and CCWD currently supplies water to the City of Pittsburg through a contract with the Central Valley Project (CVP). CCWD has 195,000 acre-feet per year (af/y), or 174 million gallons per day (mgd) of water secured through the CVP for its **entire** service area. In addition to the CVP contract, CCWD has negotiated water rights with a number of local districts and private entities, including the East Contra Costa Irrigation District, where supply could be drawn from in the event that the CVP supply might be subject to regulatory or other temporary restrictions. The City of Pittsburg receives its primary water supply from CCWD (via the CVP), however, it also supplements its own portion of the CCWD water supply with two wells which have a combined yield of 1,500 af/y.

According to the Pittsburg Water System Master Plan, the water demand in Pittsburg is anticipated to reach 16.8 mgd by 2020 and by this time water storage capacity will total 23.9 mgd (in accordance with General Plan projections). Within the reorganization area there are two properties currently receiving water service: 1588 Willow Pass Road (APN 096-092-009, 'McC Campbell Analytical Company') and 696 W. 10th Street (water lines connect to the Mirant Power Plant at that address through APN 096-100-026). The Mirant Power Plant has a current average water demand of approximately 239,000 gallons per month and the McC Campbell Analytical Company has an average demand of approximately 63,000 gallons per month. Other occupied properties within the project area (two mobile home parks and several other small businesses) that are not connected to the City's water supply are currently utilizing well water and there are no plans to modify this method or make any new service connections at this time; however, upon annexation, property owners would be able to request water service from the

City and they would be responsible for paying for the infrastructure needed to connect, as well as any applicable connection fees. The baseline water conditions, described above, would be maintained under the proposed reorganization and existing water supplies would continue to be available to serve customers within the existing CCWD District boundaries.

With regards to water distribution, any existing distribution lines (as shown in "Exhibit A") would either continue to be privately maintained (where applicable) or would be maintained by the City rather than CCWD. The proposed reorganization is not anticipated to result in any additional water service demands. As stated above, if a future connection is requested for water service, the applicant would be required to pay for any required infrastructure to connect, as well as any applicable connection or service fees at that time. The cost of water service from the City is less for properties within the City limits than for properties outside the City limits, and the City does have the ability to provide water service to the properties within the reorganization area.

B. Wastewater Treatment (Sewer Service)

The proposed annexation includes eight parcels (APN's 096-092-006, 096-092-007, 096-092-009, 096-092-012, 096-092-013, 096-092-014, 096-100-042, & 096-100-025) that are within the Delta Diablo Sanitation District boundaries and wastewater generated from these parcels is currently conveyed to DDSD through the sewer mains shown on "Exhibit B, Close-Up #1". These parcels are all within DDSD's Zone 1 (Bay Point area) and upon annexation will be transferred to Zone 2 (Pittsburg area). The change in zones is not an action that requires LAFCO approval and the change would not take effect until the DDSD Board of Directors approves the boundary change. The same service would continue to be provided by DDSD regardless of the zone that the property is located in. It is DDSD's responsibility to change zones for service changes and tax assessment reasons only.

The remaining seven parcels (APN's 085-010-012, 085-010-014, 085-010-015, 096-100-015, 096-100-017, 096-100-018, 096-100-026) and un-parcelized state lands are outside of the DDSD's service area and SOI. The land outside the DDSD service area does not receive sewer service, with the exception of the Mirant Power Plant which has discharged its office/domestic flows to the District for the last twenty plus (20+) years and the facility pays bi-monthly fees to DDSD with no 'out-of-agency' agreement in place. In addition, the facility maintains its own National Pollutant Discharge Elimination System (NPDES) permit for wastewater as it relates to their industrial processes, and the facility has no plans to abandon that permit.

Because 1) the Mirant Power Plant facility has no plans to convert any of its

property to a different use, 2) the facility has no plans to modify the plant in any manner which would increase its office/domestic demands for sanitary service, and 3) the District has conveyance facilities in the vicinity of the site which have available capacity for expanded service, DDSD has concluded that they can continue to serve the facility, regardless of whether it is in or out of their service boundary. For other parcels that are outside of the DDSD service area and within the annexation area, the City does not anticipate that any new sewer service connections will be requested, as there are no plans for future development within these areas and a majority of the land uses are (and will remain) open space.

The only possible exception to this assumption that no new connection requests are anticipated, would be an approximate 170 acre area (portion of APN 096-100-026) that has been pre-zoned and has a General Plan land use designation for general industrial uses. Irrespective of the industrial land use designations within the project area, the 170+/- acre industrial parcel is owned by the Mirant Power Plant and is currently planned to remain as undeveloped buffer lands.

While no development is proposed for this 170+/- acre industrial area, according to the City's Wastewater Collection System Master Plan, the base wastewater flow for industrial uses is approximately 600 gallons per day, per acre, and the industrial area, if ever developed, could contribute approximately 102,000+/- gallons per day to the DDSD wastewater treatment plant. According to the DDSD the plant currently treats 14.2 million gallons per day (mgd) and has a current capacity for 16.5 mgd and an addition of anything less than 200,000+/- gallons per day is not a substantial noticeable increase to the flow at the treatment plant. In addition, the surrounding area is served by the triangle pump station and based on the operations records that show pump run times, the existing pumps could accommodate additional flow. Surrounding the triangle pump station are other conveyance facilities that are maintained by DDSD which also have the capacity for expanded service. Other open space lands within the reorganization area are also planned to remain as undeveloped buffer lands. A detailed list of DDSD's conveyance facilities and their existing/planned capacity is included below:

i. Sewer Conveyance in the Vicinity of the Reorganization Area:

As stated above, the District has conveyance facilities in the vicinity of the project area which have available capacity for expanded service. A map of the District conveyance facilities is shown in Figures 2 and 3 below. The following capacity table (Figure 1, below) identifies the local facilities and lists the facilities capacities and projected peak wet weather flow (PWWF) discharge. Both the Pittsburg-Montezuma Interceptor and the Rossmoor Bypass Interceptor pipelines have future available capacity (see July 10, 2007 letter from DDSD). The capacity of the 30" Interceptor from Broadway and the Pittsburg Pump Station discharge pipeline will be

expanded with construction of new pipelines in 2012 to accommodate anticipated growth in Bay Point and Pittsburg.

Figure 1

Capacity Information from Conveyance System Master Plan Update ¹ , February 2004				
Facility	Pipeline Size	Projected Discharge Flows, PWWF (2002)	Projected Discharge Flows, PWWF (Ultimate)	Facility Capacity
Pittsburg-Montezuma Interceptor	27"	4.0 mgd	4.1 mgd	8.3 mgd
Rossmoor Bypass Interceptor	30"	4.8 mgd	6.0 mgd	10.3 mgd
30" Interceptor, Broadway to Pittsburg Pump Station ²	30"	5.2 mgd	7.7 mgd	6.2 mgd current 7.7 mgd, planned
Pittsburg Pump Station ³		11.5 mgd	15.0 mgd	11.6 mgd, current 15.0 mgd, planned

¹ Delta Diablo Sanitation District Conveyance System Master Plan Update, HDR Engineers, February 2004. Appendices. Technical Memoranda No. C-1, C-3, C-4, C-10, and C-11.

² Flows projected include use of equalization storage of PWWF at Shore Acres and Broadway equalization storage tanks. From Table 10-5, Technical Memorandum C-10.

³ Flows projected include use of equalization storage of PWWF at Shore Acres, Broadway, and Pittsburg Pump Station flow equalization storage tanks. From Table 11-8, Technical Memorandum C-11.

ii. Sewer Conveyance Facilities within the Reorganization Area:

Per a letter received from DDSD on February 28, 2007, the District has stated that they own and operate two conveyance facilities within the reorganization area. A 1,400 lineal foot (approximate) gravity sewer trunk line, commonly referred to as the Range Road Bypass, conveys flow from the intersection of Range Road and North Parkside Drive north to a 30" sewer interceptor. The 30" gravity sewer interceptor serves both Bay Point and Pittsburg by conveying flows easterly from the Broadway Equalization facility and thence across APN 096-100-026 to the Pittsburg Pump Station and then on to the Wastewater Treatment Plant located at 2500 Pittsburg-Antioch Highway, Antioch.

Both the trunk lines and the interceptor will remain part of the District conveyance system and are not given a Zone designation.

Any future expansion of uses within the reorganization area would be subject to project specific CEQA analysis as well as an assessment of wastewater treatment needs, including sewer conveyance and treatment plant capacity, as a condition of the project approval. In addition, future development projects would be required to pay capital facilities fees to offset future capital costs associated the City's wastewater collection and treatment system that may require improvements resulting from the future proposed project.

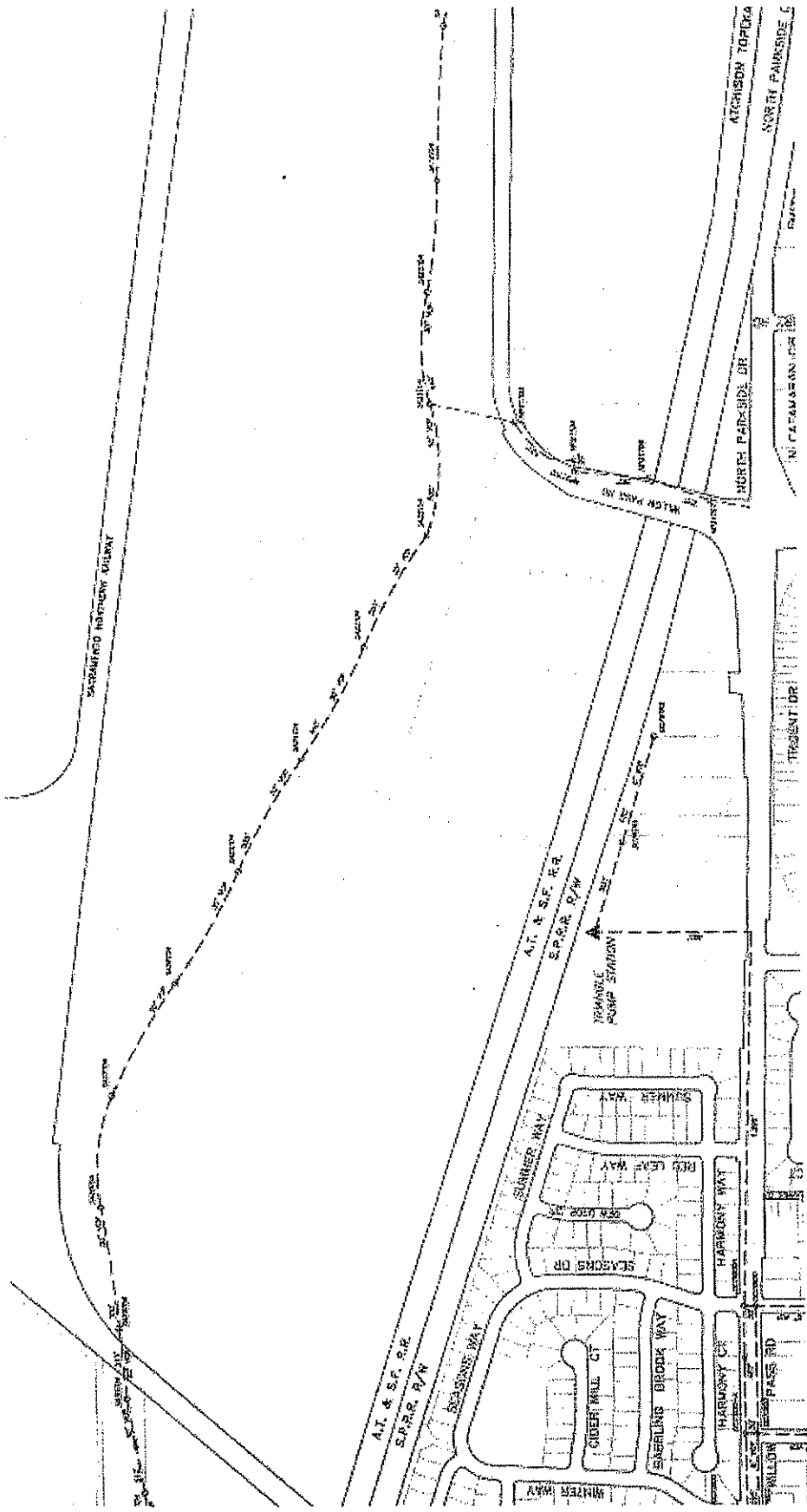
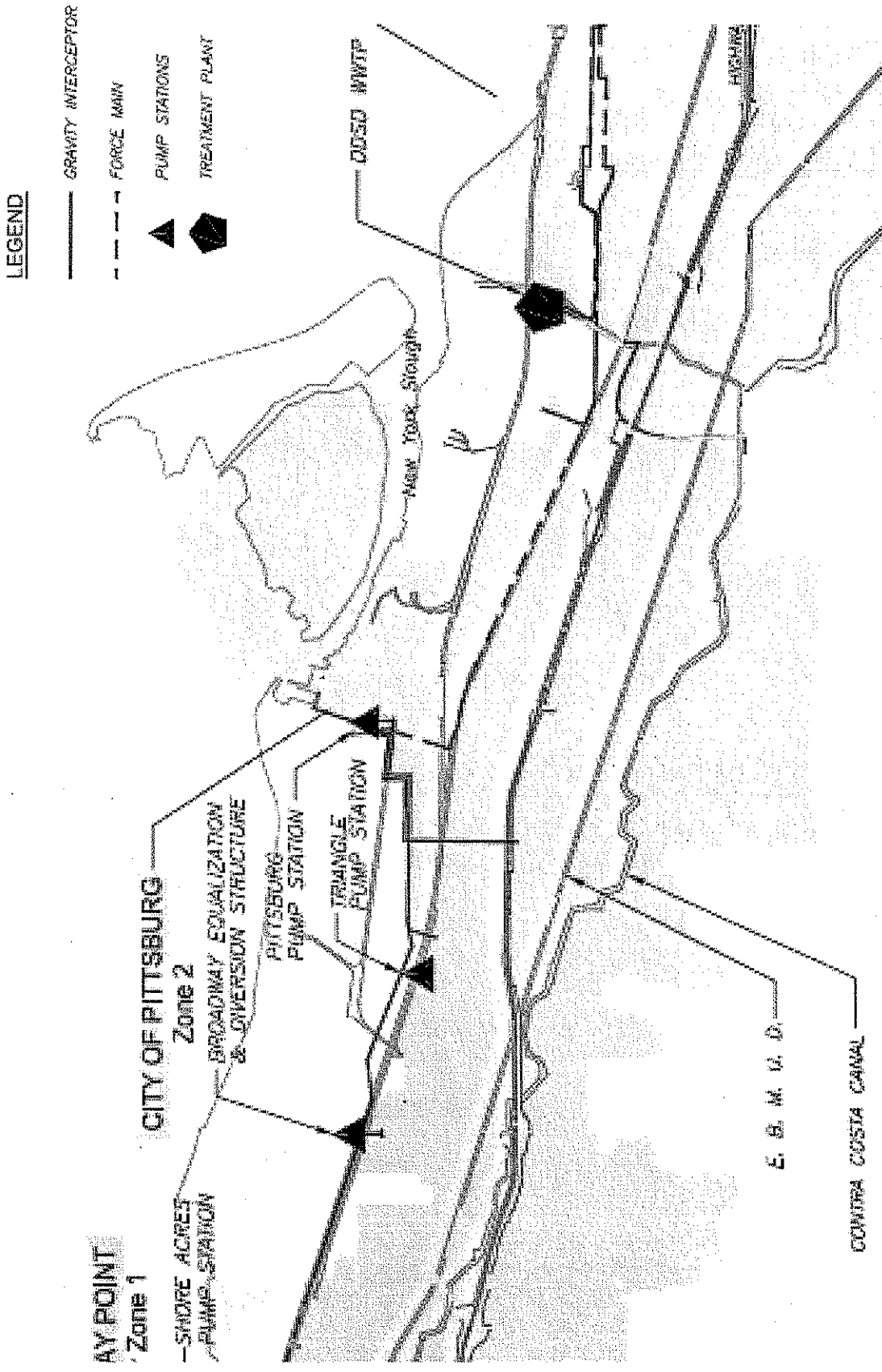


Figure 2

Figure 2- Delta Diablo Sanitation District
Existing Conveyance and Zone 1 Collection Pipelines

Figure 3



C. Police Protection

Police services are currently provided to the reorganization area by the Contra Costa County Sheriff's Department. Upon annexation, police services would be provided by the City of Pittsburg Police Department. According to the City's General Plan, it is a goal for the City's Police Department (PD) to maintain a ratio of 1.8 sworn officers for every 1,000 residents. Because of several vacancies, the City's PD maintains a current ratio of 1.2 sworn officers for every 1,000 residents (the recruitment process is open and ongoing). Within the entire annexation area, there are less than 100 permanent residents (or less than 10% of the amount of people that would require the potential acquisition of one additional police officer). There is no new development proposed and no residential designated land that would have the potential to bring new residents into the area, and thus require additional police officers.

Therefore, no new police staff will be needed to serve the annexation area. The City does have a city-wide Community Facilities District (CFD) in place that would require any future development to pay a property tax to the City for the sole purpose of aiding the police department and financing new police officer positions as the need arises.

D. Fire Protection

Fire Protection within the reorganization area is currently provided by the Contra Costa County Fire Protection District (CCCFPD) and since the City of Pittsburg does not have its own fire department, the reorganization area would continue to be served by CCCFPD upon annexation. Within the Pittsburg/Bay Point area, CCCFPD maintains four (4) fire stations and two are planned for future relocation (in order to provide better response times to a greater geographical area within the City). The reorganization area is located within a 1.5 mile response radius from two fire stations, 87 and 84, and receives fire protection from these stations with no deficiencies (according to the 1.5 mile radius requirement in the City's General Plan, 11-P-26). There is no new development proposed or envisioned for the near future, and the City does not anticipate an increase in the need for fire protection services within the annexation area.

No new fire infrastructure, equipment or facilities will be needed to serve the reorganization area.

E. Streets & Roadways

Any existing streets within the project area are private roadways, because the County Public Works department does not have record of any public rights-of-

way within the project area. The private roadways within the reorganization area will continue to be private roads. Willow Pass Road borders the southern edge of the project area and is completely within the City limits; therefore, operation and maintenance are currently handled by the City. Thus, the City of Pittsburg Engineering & Public Works Departments will not be taking over the maintenance of any new roadways in conjunction with this annexation.

Any future development will be required to finance the construction and installation of any required infrastructure (streets and roads) necessary for their project. Road improvements consistent with city regulations will be required by the City and will be included in any development plans for projects. Also, all light posts within the project area are currently owned and maintained by PG&E and there is no proposed change to the operation/maintenance of light poles as part of the project.

F. Storm Drainage

Contra Costa County Flood Control & Water District (CCCFCWD) has jurisdiction over the drainage in the reorganization area, and upon reorganization, the City of Pittsburg would assume jurisdiction. Presently, there are no public storm drain facilities within the reorganization area. The existing pipes within the reorganization area, shown in Exhibit "C" as connecting to APN 096-092-013, are privately owned and maintained. These pipes would remain privately owned and maintained.

According to Bob Faraone, with CCCFCWD, the rest of the reorganization area has surface drainage to the Delta. There is no development proposed at this time, and there are no changes proposed to the existing drainage systems. All future development will be subject to the City's requirements for storm drainage, and if any existing properties want to hook up to the City's storm drains, then the property owners would be required to install the necessary infrastructure themselves and they would also incur any applicable connection and maintenance fees. Therefore, there are no improvements to storm drainage required at this time.

G. Refuse/Solid Waste Disposal

The properties within the project area that currently receive garbage service are presently served by Allied Waste (or Bayshore Disposal).¹ Upon annexation, these properties would have to switch their garbage service to Pittsburg Disposal. Service fees paid to Pittsburg Disposal are proportionate to the service provided and the City would not incur any new costs or financial responsibilities in conjunction with the switch.

¹ There are eight properties that receive garbage service, specifically: APN's 096-092-006; 096-092-007, 096-092-009, 096-092-012, 096-092-013, 096-092-014; 096-100-024, 096-100-025.

Pittsburg Disposal sends the waste it collects to the Keller Canyon Landfill which is a class II landfill. This landfill was opened up in 1990 and has a projected lifespan of 40 years. According to the general plan, of the 244 acres that can be used for waste disposal, only 40 acres are being utilized, so the existing solid waste infrastructure appears more than adequate to provide service for this area.

H. *Parks/Recreation & Schools*

The reorganization area is not currently located within a park and recreation district. The reorganization area is outside of the Ambrose Park & Recreation District, which is the district that currently serves the unincorporated Bay Point community, and it is also outside of the City.

Upon annexation, the City may institute proceedings to bring the reorganization area within Citywide Landscaping and Lighting District 1988-01 ("1988-01 District"), which authorizes the collection of an assessment for the purpose of improving and maintaining landscaping and lighting of city parks and facilities, medians, and rights of way and streets.

The City of Pittsburg Recreation Department is responsible for the planning, development maintenance of park facilities within the City. Existing park and open space facilities will be available to residents of this area. The City has several neighborhood parks and community parks.

Any new residential development will be required to pay a park dedication fee, which assist in the development and renovation of park facilities. These fees allow the new development to offset any impacts associated with the development and ensure improvement of services to existing and future city residents.

The Recreation Department also is responsible for the delivery of leisure and recreation services to the community including programs aimed at meeting the needs of youth and adults within the community. All recreation programs are designed to be self supporting through user fees. The proposed reorganization will not impact the City's ability to continue the delivery of leisure services to the community.

With regards to schools, the reorganization area is currently within the Pittsburg Unified School District (PUSD) boundaries, and will remain within the PUSD boundaries. There is no new residential development proposed and there is no land designated residential within the reorganization area; therefore, there will be no fiscal impacts on the PUSD.