

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 11, 2008 (Agenda)

LAFCO 07-26 Soldier Field Partners LLC Annexation to East Bay Municipal Utility District

PROPONENT Greg Woehrle – landowner/petitioner

ACREAGE &
LOCATION 87.9± acres located at 3148 Lucas Drive in Lafayette (APN 238-080-019)

SYNOPSIS

The landowner filed a petition with LAFCO to annex the subject property to the East Bay Municipal Utility District (EBMUD) in order to receive water service to serve the proposed development of eight single-family residential dwelling units.

The property proposed for annexation is within EBMUD's ultimate service area but outside the District's current service area. The property is within the County's Urban Limit Line.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission shall consider in evaluating any proposed change of organization or reorganization as discussed below (Government Code §56668). In the Commission's review and evaluation of these factors, no single factor is determinative. In reaching a 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 the establishment of spheres of influence (SOIs) is a planning function. The SOI determination is an important benchmark because 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 property proposed for annexation is within the ultimate service area of EBMUD.

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

Among the factors LAFCO must consider in reviewing a proposal is "Consistency with city or county general and specific plans." (Government Code §56668).

The site is undeveloped except for an existing telecommunication facility. In September 2006, the property owner received approval from the City of Lafayette for an 8-lot subdivision. The residential lots would total 28.3± acres and would range in size from 1.5 to 5 acres; the remaining 59.6 acres consist of open space and the existing telecommunications tower.

The site area is zoned by the City as LR-10 Low Density Residential Development which allows up to one dwelling unit per 10-acre lot. The General Plan land use designation is Rural Residential Single Family which allows up to 0.1 dwelling units per acre. The property is also within the City's

Hillside Overlay District (H-O-D). The proposed land uses are consistent with the terms and conditions set forth in the City's project approval and Resolution No. 2006-035, which provides for exceptions to the City's General Plan and zoning designations.

Surrounding uses include single family residential to the west and south, and undeveloped residentially zoned land to the north. The Rossmoor residential community in Walnut Creek is located to the east of the project site, beyond Burton Ridge.

LAFCO staff initially had concerns with the proposed annexation of the entire parcel, in part because of the potential for subsequent development of the 59.6± acres of open space. These concerns were discussed with the applicant and local agency staff. As a result, LAFCO staff's concerns were addressed in light of the following considerations:

- The provisions of the CKH Act and Contra Costa LAFCO's local policies discourage annexation of *partial* parcels,
- The City's restricted land use and zoning designations for the property,
- The topography in the project area, and
- The limited sizing of the water pipes/infrastructure, which would not accommodate additional development within the annexation area.

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

The site is located in an area designated for low density, single-family residential development. There are no agricultural lands or Williamson Act Land Conservation Agreements within the site.

4. Topography, Natural Features and Drainage Basins:

The project site is situated along the southern portion of Burton Ridge. Steep slopes, grass-covered hillsides, scattered native and non-native trees, and several prominent swales and knolls characterize the property.

There is one perennial drainage and several seasonal drainages that are tributaries to Grizzly Creek. The elevation of the site ranges from 480± feet in the northwest area to 800± feet where the telecommunications tower is located. The average slope of the property is 34.8 percent.

5. Population:

Pursuant to the CKH Act, the proposal territory is uninhabited as it contains fewer than 12 registered voters. Development of the 8-lot subdivision with single family homes is likely to result in an increase in population of 25-30 people.

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 result in the addition of approximately eight single family homes to the City's housing stock, and will have no significant 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 shall 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 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" is on file in the LAFCO office. The property proposed for annexation is served by various municipalities including the City of Lafayette, Contra Costa County Fire Protection District, and Central Contra Costa Sanitary District.

The proposal before the Commission is to annex the property to EBMUD for the provision of water service. EBMUD is a multi-county district with territory in Alameda and Contra Costa counties. EBMUD provides water and wastewater collection and treatment services to an area of approximately 330 square miles, serving over 1.4 million people

Water service includes production, distribution, retail, treatment, recycling and conservation services. Historically, over 90% of EBMUD's water comes from the Mokelumne River watershed. Other water sources include local watershed runoff and Central Valley Project (Sacramento River).

EBMUD has water rights for up to 325 million gallons (997 acre feet) of water per day, or a total of 364,000 acre feet per year. In normal years, the District reservoirs in the Bay Area receive an additional 30,000 acre feet annually. Average daily system demand district-wide is approximately 220 million gallons per day (mgd).

The Soldier Field project is expected to generate a demand of approximately 4,500 to 7,000 gallons per day depending upon landscaping. The level and range of services will be similar to those provided by EBMUD to developed properties currently within the district's service area. The

development will connect to the existing water distribution system at both ends of the proposed Lucas Ranch Drive. The western end of Lucas Ranch Drive will connect to a 6-inch water main and the eastern end will connect to a 12-inch water main.

The project will require new 16-inch and 6-inch water mains in the proposed roadways, with low pressure facilities including individual pumping facilities (hydropneumatic service) to maintain adequate pressure to the premises for domestic and fire protection use. Costs associated with extending services to the site will be borne by the property owner(s).

The District indicates there is sufficient water available for the subject property, and is addressed in the EBMUD long range planning for the area. However, the proposed annexation is beyond EBMUD's federal water supply contract allotment. As required per the contract between EBMUD and the U.S. Bureau of Reclamation (USBR), the District has requested USBR's consent to the proposed annexation. Thus, ultimate approval of water supply is subject to the USBR.

8. Timely Availability of Water and Related Issues:

As discussed above, EBMUD will provide water to the property following annexation and approval by the USBR. According to EBMUD, an adequate water supply is available to serve the site.

9. Assessed Value, Tax Rates and Indebtedness:

The property is within tax rate areas 14000 and 14002. The assessed value is \$1,006,995 (2007-08 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 project underwent an extensive environmental review and public hearing process. In 2006, the City of Lafayette, as Lead Agency, adopted a Final Environmental Impact Report and Addendum and Mitigation Monitoring and Reporting Program. Copies of these documents were previously provided to the Commission and are available for review in the LAFCO office.

11. Landowner Consent and Registered Voters:

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

12. Boundaries and Lines of Assessment:

A factor LAFCO must consider in reviewing a proposal is the definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. (Government Code §56668)

The area proposed for annexation is contiguous to the existing EBMUD boundaries. A map has been received and reviewed by the County Assessor and 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. Certify LAFCO has reviewed and considered the information contained in the EIR and Addendum prepared and certified by the City of Lafayette.
- B. Adopt this report and approve the proposal, to be known as the Soldier Field Partners LLC Annexation to the East Bay Municipal Utility District subject to the following terms and conditions:
 - 1. Determine that the territory being annexed shall be liable for any authorized or existing taxes, assessments and charges comparable to properties presently within the annexing agency.
 - 2. The provision of water to the annexation area is subject to completion of all actions necessary to obtain final approval by the U.S. Bureau of Reclamation.
 - 3. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO 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 protest proceedings.
- D. Waive protest the proceedings and direct the staff to complete the annexation.

Option 2 Adopt this report and DENY the proposal.

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

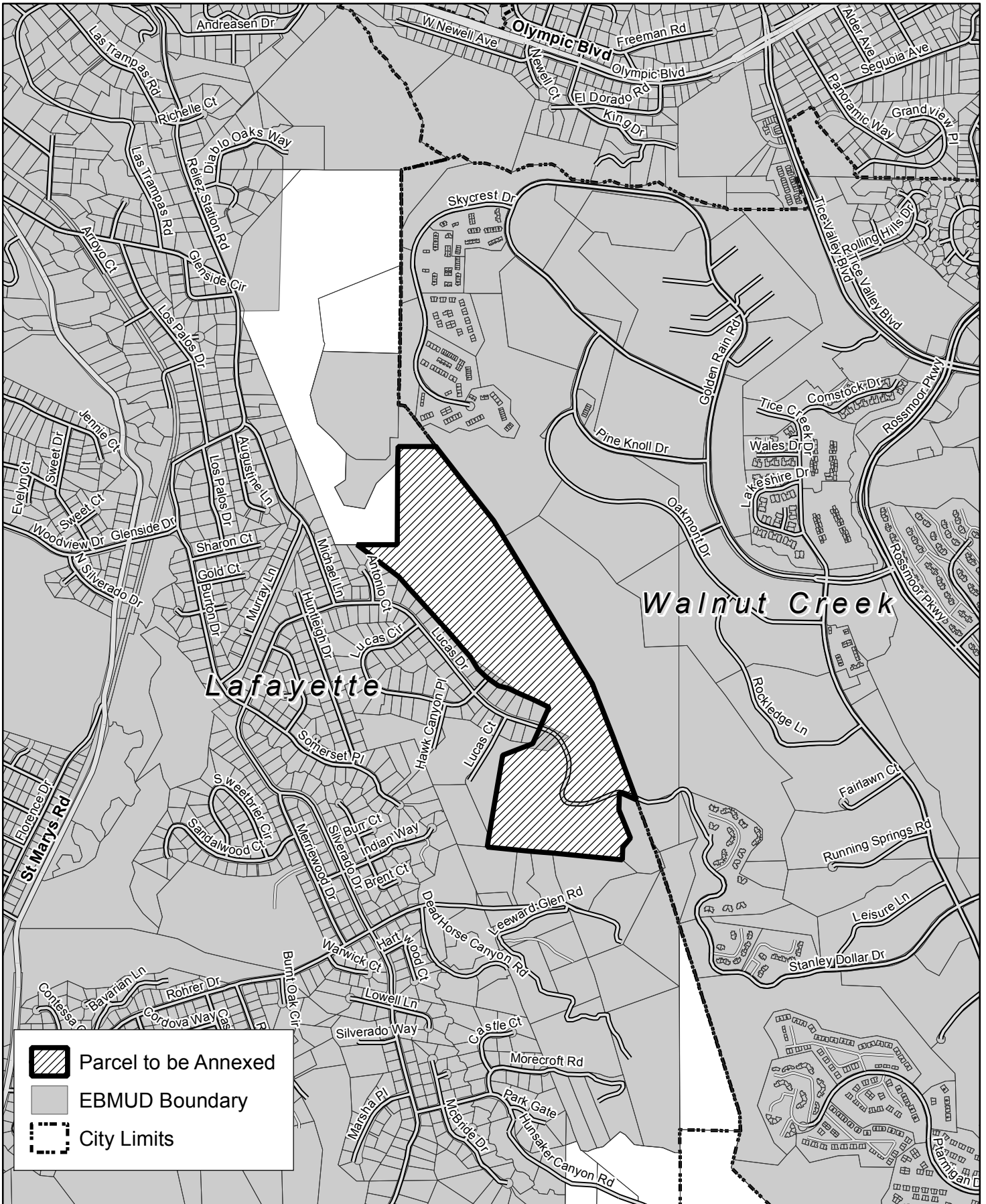
RECOMMENDED ACTION:




Approve Option 1.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments

LAFCO 07-26: Soldier Field Partners LLC Annexation to East Bay Municipal Utilities District



	Parcel to be Annexed
	EBMUD Boundary
	City Limits

