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August 13, 2008 (Agenda)

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

West County Water and Wastewater Services – Sphere of Influence Updates

Dear Members of the Commission:

SUMMARY

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), LAFCO must adopt a sphere of influence (SOI) for each city and special district. The SOI serves as the ultimate planning boundary for the local agency. Effective SOIs may discourage urban sprawl by preventing service duplications, overlapping service areas and premature conversion of agricultural land to urban uses.

Pursuant to State law, LAFCO must review and update SOIs at least every five years. In order to prepare and update the SOIs, LAFCO must conduct a municipal service review (MSR).

In August 2006, Contra Costa LAFCO initiated a number of countywide MSRs, including a review of water and wastewater services and SOIs. The Commission retained the independent consulting firm of Dudek to assist with the MSR/SOI project.

On June 11, 2008, the Commission held a workshop to review the Preliminary Draft West County Water/Wastewater Services MSR report and SOI options. The Commission provided input, accepted public comment and directed the MSR project team to release the Public Review Draft report. This report was made available for public review and comment for a minimum of 21 days. On August 13, the Final Draft West County Water/Wastewater Services MSR report will be presented to the Commission (available on the LAFCO website at www.contracostalafco.org) for acceptance.

The MSR report presents recommended MSR determinations for the following agencies: cities of Hercules, Pinole and Richmond, Crockett Community Services District (CCSD), Rodeo Sanitary District (RSD), Stege Sanitary District (SSD) and West County Wastewater District (WCWD). In addition, the report presents SOI options and recommendations for the single-purpose agencies (i.e., districts), including RSD, SSD and WCWD. The SOI options and recommendations for the multi-purpose agencies (i.e., cities and CCSD) will be included in the general service sub-regional reviews, scheduled for completion later this year.

DISCUSSION

Provisions for updating SOIs are contained in the CKH Act. In adopting or updating an SOI, the Commission must make determinations regarding the following:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- When adopting, amending or updating an SOI for a district, LAFCO must establish the nature, location and extent of any functions or classes of service.

The Commission may approve changes of organization and reorganizations using SOIs as a basis. LAFCO also has adopted policies and procedures for SOI updates. Among the more important factors is the need to consider whether services need to be provided in the next 5-20 years, or whether there is any other compelling reason for including an area within an SOI; for example, to enable funding of open space maintenance or planning, or to provide a logical boundary. Also, LAFCO should consider whether territory included in the SOI of one agency is already included in, or should be included in, the SOI of another agency more capable of providing services. These factors and policies were considered in developing the recommendations.

Based on the analysis contained in the MSR, options for each district's SOI were evaluated. These include, but are not limited to, retaining the existing SOI, adopting a zero SOI if LAFCO believes the district should be dissolved, or reducing or expanding the SOI. The MSR report also identifies a number of potential consolidations, mergers and dissolutions, which would require additional study to determine specific costs and benefits.

The following includes a discussion of the SOI recommendations (i.e., single purpose agencies). The attached table summarizes the SOI recommendations for quick reference. Further details and analyses are presented in the MSR report.

Rodeo Sanitary District (RSD) - RSD is an independent district formed in 1939. The District serves the unincorporated communities of Rodeo and Tormey adjacent to San Pablo Bay. The District's boundaries encompass approximately 1.4 square miles with an estimated population of 6,833 residents. RSD serves three non-contiguous service areas: an area of medium density single family residential, north of Willow Avenue; a small area designated for public use west of San Pablo Avenue; and an area primarily designated for heavy industrial use west of Crockett. RSD is also serving two areas outside its boundaries: a large apartment complex located southeast of San Pablo Avenue and the Conoco Refinery, and a number of single family homes located north of the District's eastern boundary along Viewpoint Avenue.

The District provides wastewater collection, treatment, and disposal services, and contracts for solid waste collection service for Rodeo with the Richmond Sanitary Service.

The District's boundary is coterminous with its SOI. The MSR identifies the following five SOI options for RSD:

- **Retain the existing SOI:** If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. The District would continue to include the

areas within its boundaries in its long-term facilities and capacity planning based on the adopted land uses.

- **Reduce the SOI:** If LAFCO determines that an area or community should be served by an agency other than RSD (such as the City of Hercules or the Crockett Community Services District) then reducing the District's SOI (and expanding the SOI of the other agency) would be appropriate. This would not change current service to those areas, but would result in the affected agencies adjusting capital and long-term operational planning.
- **Expand the SOI due to service provider change:** If LAFCO determines that an area or community should be served by RSD rather than the current service provider, then expanding the District's SOI (and reducing the SOI of the other agency, such as CCSD) would be appropriate. If RSD were authorized to serve additional area in Hercules, it would not require a change in the SOI of the city.
- **Adjust the SOI to be consistent with the adopted Urban Limit Line (ULL) within western Contra Costa County:** If LAFCO determines that RSD has the capacity to serve the area within the ULL, then adjusting the District's SOI would be appropriate. This option would expand the District's SOI to include areas within the ULL that may need wastewater services from RSD in the future. Depending on the boundaries chosen for any SOI expansion, this option could add significant amounts of territory (i.e., several square miles) to the District's SOI.
- **Expand the SOI to include areas currently being served by RSD:** The Commission may wish to expand the District's SOI to include the Bayo Vista apartments and/or the Viewpoint Blvd. subdivision, to which the District is currently providing services. Because both of these areas are large, inhabited areas, any SOI amendment to include them within RSD's SOI would require CEQA review. RSD should pursue, at the earliest date practical, filing an application with LAFCO for a concurrent SOI amendment and annexation of both these areas.

Recommendation: Based on the MSR report, it is recommended that the Commission retain the existing SOI and encourage RSD to apply to LAFCO to amend its SOI and annex these areas currently receiving out of agency service.

Stege Sanitary District (SSD) – SSD is an independent special district formed in 1913 and reorganized in 1923 pursuant to the Sanitary District Act of 1923. SSD currently serves approximately 5.3 square miles with an estimated population of 28,244 residents.

SSD provides wastewater collection services for the City of El Cerrito, the unincorporated community of Kensington, and the Richmond Annex community within the southeastern portion of the City of Richmond. The wastewater is discharged into the East Bay Municipal Utility District (EBMUD) sewer interceptor system at the Point Isabel pump station for treatment at the EBMUD regional wastewater treatment plant in Oakland.

The District also serves 97 homes outside its boundaries by contract with the City of Richmond. These parcels are located along the base of the San Pablo Ridge which forms the western boundaries of Wildcat Regional Park. Previously, the City of Richmond constructed a conveyance system combining three lift stations and about four miles of sewer mains to serve this area. In 1982, there was a landslide that severed the service mains serving the area. It was deemed that emergency service to this area would be best provided by SSD. Additional details and analysis of this issue is presented in the MSR report. Given the

engineering issues and liability of service to this area, which is prone to landslides, SSD staff has indicated no interest in annexing the area at this time.

The District's boundary is coterminous with its SOI. The MSR identifies the following two SOI options for SSD:

- **Retain the existing SOI:** If LAFCO determines that the existing government structure is appropriate then the existing SOI should be retained.
- **Expand the SOI:** If LAFCO determines that the 97 homes should be annexed to the District, then the District's sphere will need to be expanded to allow for the future annexation of these parcels.

Recommendation: Based on the MSR report, it is recommended that the Commission retain the existing SOI and encourage SSD to study the possibility of annexing the 97 homes and pursue a future SOI expansion, if feasible.

West County Wastewater District (WCWD) – WCWD is an independent district, formed in 1921 as the San Pablo Sanitary District and reorganized in 1923 pursuant to the Sanitary District Act of 1923.

The District provides wastewater collection, treatment, and disposal services for a 16.9± square mile area and 89,000 residents, which includes the City of San Pablo; the northern portion of the City of Richmond; the Crestview portion of the City of Pinole; the unincorporated communities of El Sobrante, Tara Hills, Rollingwood, and Bayview; and other unincorporated areas within Contra Costa County.

The District's SOI is coterminous with the District's exterior boundaries; however there are numerous islands (many of which are single parcels) that are not part of the District but within the SOI. In addition, WCWD is providing service to an estimated 45 parcels outside the District boundaries and SOI. These parcels are located in East Richmond Heights, with service extended into the area in 1958 under agreement with the City of Richmond.

The MSR identifies four SOI options for WCWD.

- **Retain the existing SOI:** If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. This option would enable the District to continue to include the areas within its SOI in its long-term facilities and capacity planning based on the adopted land use.
- **Reduce the SOI:** If LAFCO determines that an area or community should be served by an agency other than WCWD (such as the City of Pinole, the Richmond Municipal Sewer District, or the Stege Sanitary District) then reducing the District's SOI (and expanding the SOI of the other agency) would be appropriate. This would not change current service to those areas, but would result in the affected agencies adjusting capital and long-term operational planning.
- **Expand the SOI due to service provider change:** If LAFCO determines that an area or community should be served by WCWD rather than the current service provider, then expanding the District's SOI (and reducing the SOI of the other agency, such as SSD) would be appropriate. If WCWD were authorized to serve additional area in Richmond, Pinole, or Hercules, it would not require a change in the SOI of the affected city.

- **Expand the SOI to encompass existing out-of-agency service areas:** WCWD is serving 45 parcels outside the District's boundaries and outside its SOI. If LAFCO determines that these parcels should be annexed to the District, then the District's sphere will have to be updated prior to annexation.

Recommendation: Based on the MSR report, it is recommended that the Commission retain the existing SOI and encourage WCWD to apply to LAFCO to amend its SOI and annex the areas currently receiving out of agency service. It is further recommended that the Commission encourage the District to annex those islands within the District's SOI needing sewer service.

OPTIONS AND RECOMMENDATION

Option I (based on the recommendations described above and presented in Table 1):

1. As Lead Agency, determine that the SOI updates for Rodeo Sanitary District (RSD), Stege Sanitary District (SSD) and West County Wastewater District (WCWD) are exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and
2. Adopt the attached resolutions updating the SOIs for each of the districts as required by the CKH Act.

Option II

1. As Lead Agency, determine that the SOI updates for Rodeo Sanitary District (RSD), Stege Sanitary District (SSD) and West County Wastewater District (WCWD) are exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and
2. Adopt other SOI updates as desired.

Option III

If the Commission needs more information, it should CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachments

1. SOI Options Table
2. Draft Resolutions with SOI Updates

**WEST CONTRA COSTA COUNTY
WATER/WASTEWATER DISTRICTS
SPHERE OF INFLUENCE (SOI) OPTIONS AND RECOMMENDATIONS**

Agency	SOI Options	Recommendations
Rodeo Sanitary District (RSD)	<ul style="list-style-type: none"> • Retain existing SOI • Reduce SOI if LAFCO determines that an area or community should be served by an agency other than RSD (e.g., City of Hercules or CCSD) • Expand SOI if LAFCO determines that an area or community should be served by RSD rather than another current service provider • Adjust SOI to be consistent with the Urban Limit Line - If LAFCO determines that probable service is needed, and RSD has the capacity to serve these areas, then adjusting RSD's SOI would be appropriate. Depending on the boundaries chosen for any SOI expansion, this option could add significant territory (i.e., several square miles) to RSD's SOI. A CEQA review would be needed to pursue this option • Expand SOI to include areas currently being served by RSD - LAFCO may wish to expand the District's SOI to include the Bayo Vista apartments and/or the Viewpoint Blvd. subdivision, to which the District is currently providing services. Because both of these areas are large, inhabited areas, any SOI amendment to include them within RSD's SOI would require CEQA review. 	<ul style="list-style-type: none"> • Retain existing SOI and encourage RSD to apply to LAFCO to amend its SOI and annex these areas currently receiving OAS
Stege Sanitary District (SSD)	<ul style="list-style-type: none"> • Retain existing SOI • Expand SOI to include 97 homes currently receiving OAS 	<ul style="list-style-type: none"> • Retain existing SOI; encourage SSD to study potential of annexing 97 homes and pursue a future SOI expansion, if feasible
West County Wastewater District (WCWD)	<ul style="list-style-type: none"> • Retain the existing SOI • Reduce SOI if LAFCO determines that an area or community should be served by an agency other than WCWD (e.g., City of Pinole, Richmond Municipal Sewer District, or SSD) • Expand SOI if LAFCO determines that an area or community should be served by WCWD rather than another current service provider • Expand SOI to include 45 parcels currently receiving OAS 	<ul style="list-style-type: none"> • Retain the existing SOI and encourage WCWD to apply to LAFCO to amend its SOI and annex these areas currently receiving OAS

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
RODEO SANITARY DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of West County water and wastewater services, including those provided by the Rodeo Sanitary District (RSD) and adopted written determinations as required by Government Code §56430 on August 13, 2008; and

WHEREAS, RSD provides wastewater collection, treatment, and disposal services to the unincorporated communities of Rodeo and Tormey adjacent to San Pablo Bay; and

WHEREAS, the District contracts for solid waste collection service for Rodeo with the Richmond Sanitary Service; and

WHEREAS, the District's boundaries encompass 1.4± square miles with an estimated population of 6,833 residents; and

WHEREAS, the District's boundaries comprise three non-contiguous service areas: an area of medium density single family residential, north of Willow Avenue; a small area designated for public use west of San Pablo Avenue; and an area primarily designated for heavy industrial use west of Crockett; and

WHEREAS, the District's boundary is coterminous with its SOI; and

WHEREAS, RSD provides service outside its boundaries and SOI including the Bayo Vista apartments and Viewpoint Blvd. subdivision; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on August 13, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing SOI for the Rodeo Sanitary District as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. County plans include land uses and population growth that will need increased wastewater services. County policies support the provision of adequate wastewater service for businesses and residents. Although there are some open space lands within the District’s boundaries and SOI, wastewater services do not by themselves induce growth on agricultural or open space lands. No Williamson Act contracts will be affected by this SOI action.
 - b. *The present and probable need for public facilities and services in the area* – Population within the District is expected to increase by 17% over the next 23 years to 7,990 residents. There will be an increased need for comprehensive wastewater services. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RSD is providing adequate services, is fiscally stable although with limited financial resources, and has the capacity to continue to provide services within its boundaries. The District has planned for capital needs based on projected growth and is implementing projects to rehabilitate infrastructure. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by RSD.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RSD was formed in 1939. The District collects sewer service charges and fees for new connections; RSD also receives a portion of the 1% property tax. The District has incurred debt through loans and notes. Property owners and ratepayers with RSD have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RSD.
 - e. *Nature, location, extent, functions & classes of services to be provided* – RSD provides wastewater collection, treatment, and disposal services to the unincorporated communities of Rodeo and Tormey, adjacent to San Pablo. The District contracts for solid waste collection service for Rodeo with the Richmond Sanitary Service.

Policy option:

Consider applying to LAFCO to expand SOI and annex to the District those areas currently receiving out of agency service.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 13TH day of August 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

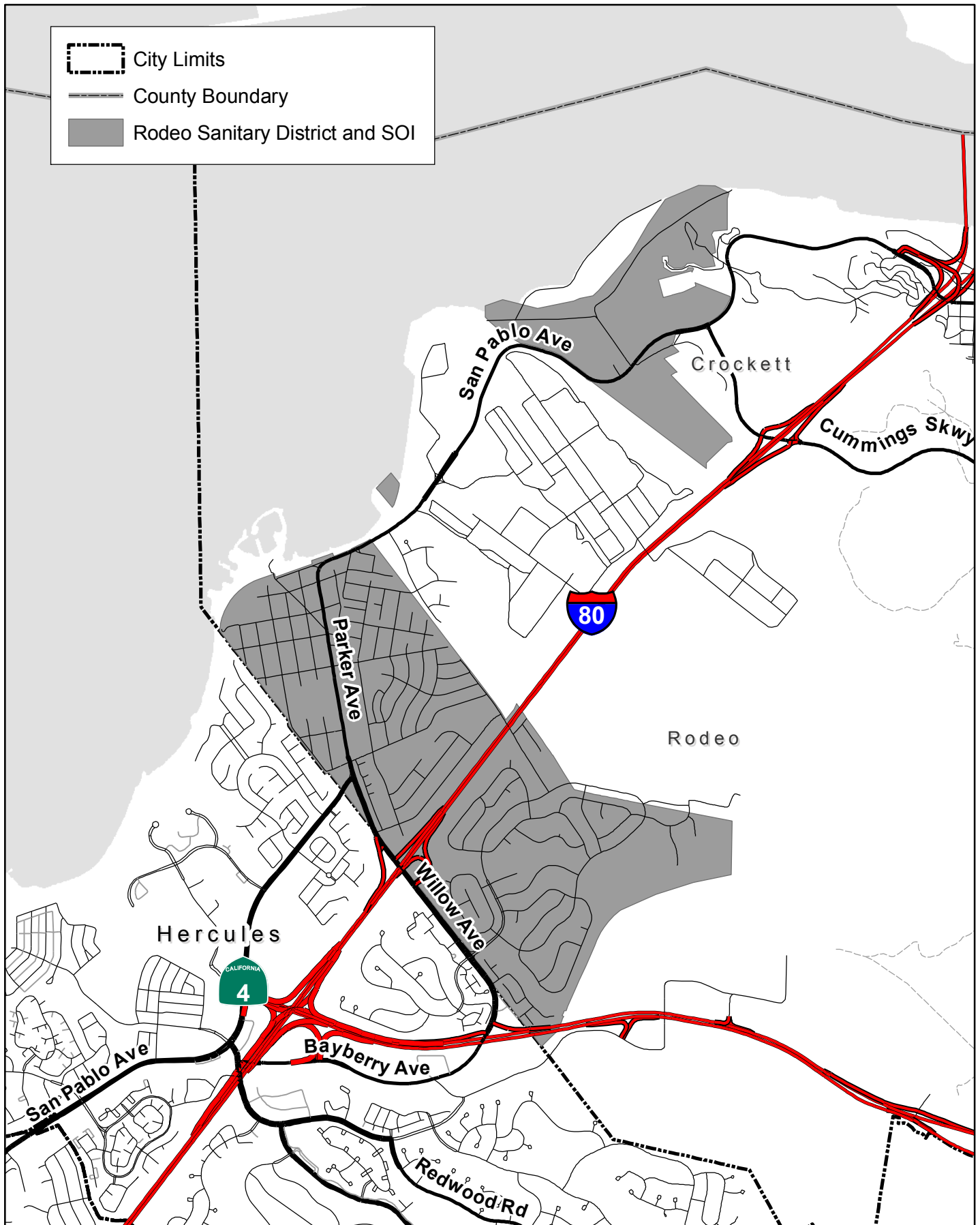
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: August 13, 2008

Lou Ann Texeira, Executive Officer

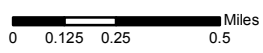
Rodeo Sanitary District and coterminous Sphere of Influence



- City Limits
- County Boundary
- Rodeo Sanitary District and SOI

Map created 8/5/2008
by Contra Costa County Community Development, GIS Group
651 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 the 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.



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
STEGER SANITARY DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of West County water and wastewater services, including those provided by the Steger Sanitary District (SSD) and adopted written determinations as required by Government Code §56430 on August 13, 2008; and

WHEREAS, SSD provides wastewater collection services for the City of El Cerrito, the unincorporated community of Kensington, and the Richmond Annex community within the southeastern portion of the City of Richmond; and

WHEREAS, SSD's wastewater is discharged into the East Bay Municipal Utility District (EBMUD) sewer interceptor system at the Point Isabel pump station for treatment at the EBMUD regional wastewater treatment plant in Oakland; and

WHEREAS, the District's boundaries encompass 5.3± square miles with an estimated population of 28,244 residents; and

WHEREAS, the District's boundaries comprise three non-contiguous service areas: an area of medium density single family residential, north of Willow Avenue; a small area designated for public use west of San Pablo Avenue; and an area primarily designated for heavy industrial use west of Crockett; and

WHEREAS, the District's boundary is coterminous with its SOI; and

WHEREAS, SSD currently provides service outside its boundary and SOI to 97 homes by contract with the City of Richmond. These parcels are located along the base of the San Pablo Ridge, which forms the western boundaries of Wildcat Regional Park; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on August 13, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing SOI for the Stege Sanitary District as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. County and city plans include land uses and population growth that will need increased wastewater services. County and city policies support the provision of adequate wastewater service for businesses and residents. Although there are some open space lands within the District’s boundaries and SOI, wastewater services do not by themselves induce growth on agricultural or open space lands. No Williamson Act contracts will be affected by this SOI action.
 - b. *The present and probable need for public facilities and services in the area* – Population within the District is expected to increase by 19% over the next 23 years to 33,613 residents. There will be an increased need for comprehensive wastewater services. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – SSD is providing adequate services, is financially stable, and has the capacity to continue to provide services within its boundaries. The District has planned for capital needs based on projected growth and is implementing projects to extend the life of existing infrastructure. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by SSD.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – SSD was formed in 1913. The District collects service charges from existing users and fees for new development; the District also receives a portion of the 1% property tax. The District has long term debt associated with three State revolving Fund loans. Property owners and ratepayers with SSD have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to SSD.
 - e. *Nature, location, extent, functions & classes of services to be provided* – SSD provides wastewater collection services for the City of El Cerrito, the unincorporated community of Kensington, and the Richmond Annex community within the southeastern portion of the City of Richmond. The District’s wastewater is discharged into the East Bay Municipal Utility District (EBMUD) sewer interceptor system at the Point Isabel pump station for treatment at the EBMUD regional wastewater treatment plant in Oakland.

Policy option:

Consider studying the potential of expanding the District's SOI and annexing the 97 homes which are currently receiving out of agency service.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

* * * * *

PASSED AND ADOPTED THIS 13TH day of August 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

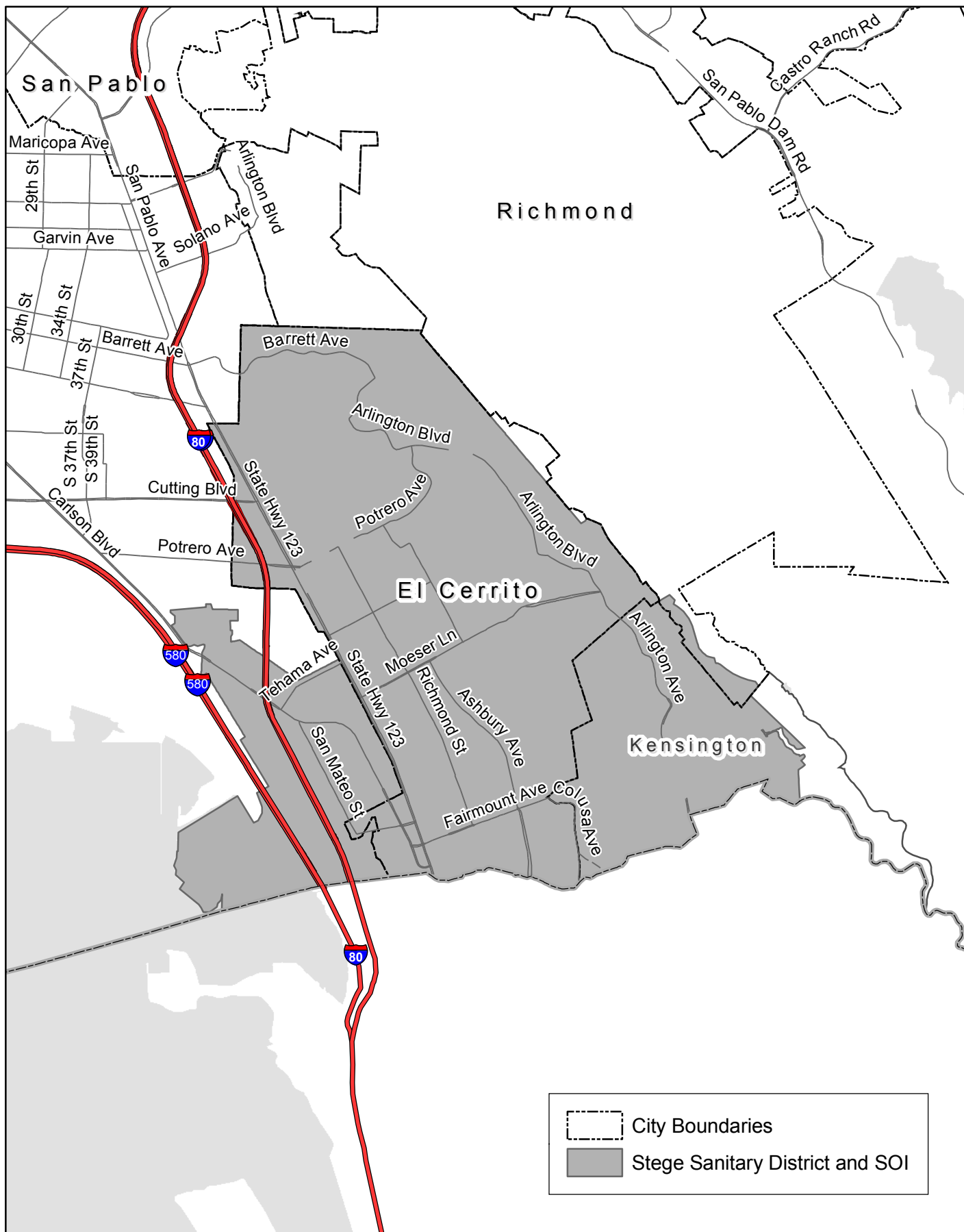
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: August 13, 2008

Lou Ann Texeira, Executive Officer

Stege Sanitary District and coterminous Sphere of Influence



	City Boundaries
	Stege Sanitary District and SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
WEST COUNTY WASTEWATER DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of West County water and wastewater services, including those provided by the West County Wastewater District (WCWD) and adopted written determinations as required by Government Code §56430 on August 13, 2008; and

WHEREAS, WCWD provides wastewater collection, treatment, and disposal services within the City of San Pablo; the northern portion of the City of Richmond; the Crestview portion of the City of Pinole; the unincorporated communities of El Sobrante, Tara Hills, Rollingwood, and Bayview; and other unincorporated areas within West Contra Costa County; and

WHEREAS, the District's boundaries encompass 16.9± square miles with an estimated population of 89,000 residents; and

WHEREAS, the District's boundary is not coterminous with its SOI; and

WHEREAS, WCWD provides service outside its boundaries and SOI to approximately 45 parcels located in East Richmond Heights; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on August 13, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing SOI for the West County Wastewater District as generally depicted on Exhibit A attached hereto.

2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. County and city plans include land uses and population growth that will need increased wastewater services. County and city policies support the provision of adequate wastewater service for businesses and residents. Although there are some open space lands within the District’s boundaries and SOI, wastewater services do not by themselves induce growth on agricultural or open space lands. No Williamson Act contracts will be affected by this SOI action.
 - b. *The present and probable need for public facilities and services in the area* – Population within the District is expected to increase by 15% over the next 23 years to 102,022 residents. There will be an increased need for comprehensive wastewater services. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – WCWD is providing adequate services, is financially stable, and has the capacity to continue to provide services within its boundaries. The District has planned for capital needs based on projected growth and is implementing projects to extend the life of existing infrastructure. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by WCWD.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – WCWD was formed in 1921. The District collects service charges from existing users and fees for new development; WCWD also receives a portion of the 1% property tax. WCWD uses a pay-as-you-go approach and has no long term. Property owners and ratepayers with WCWD have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to WCWD.
 - e. *Nature, location, extent, functions & classes of services to be provided* – WCWD provides wastewater collection, treatment, and disposal services within the City of San Pablo; the northern portion of the City of Richmond; the Crestview portion of the City of Pinole; the unincorporated communities of El Sobrante, Tara Hills, Rollingwood, and Bayview; and other unincorporated areas within West Contra Costa County.

Policy option:

Consider applying to LAFCO to expand SOI and annex to the District those 45 parcels currently receiving out of agency service. In addition, consider annexing those islands within the District’s existing SOI needing sewer service.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 13TH day of August 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: August 13, 2008

Lou Ann Texeira, Executive Officer

West County Wastewater District

Boundaries and SOI Map

will be provided at the

August 13 meeting