



Lou Ann Teixeira
Executive Officer

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September 18, 2008 (Agenda)

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

**Initial Study/Negative Declaration
Proposed Incorporation of the Town of Alamo**

Dear Members of the Commission:

BACKGROUND

On November 5, the Alamo incorporation proponents submitted to LAFCO an application and petition to incorporate the Alamo community; and on November 14, the petition was certified by the County Elections office.

The territory proposed for incorporation comprises 9.8± square miles, and is bounded on the north and northwest by the City of Walnut Creek, on the south by the Town of Danville, by Las Trampas Regional Wilderness on the west, and by Diablo Foothills Regional Park and Mt. Diablo State Park to the east.

The area includes approximately 16,000 residents, and is primarily single-family residential with a commercial district that principally serves the surrounding residential area (see attached map). Services are currently provided to Alamo by Contra Costa County and various special districts.

DISCUSSION

An incorporation proposal includes a number of major tasks including the following:

- Submittal of a petition (or resolution of an affected agency) and appropriate verification
- LAFCO application questionnaire and processing fees
- Preparation of Comprehensive Fiscal Analysis (CFA)
- Preparation of environmental document per CEQA
- LAFCO analysis
- LAFCO public hearings
- LAFCO determinations, terms and conditions
- Election

Incorporations are considered a project under CEQA and require an environmental review. The Contra Costa LAFCO is the Lead Agency under CEQA for an incorporation proposal and must prepare or cause to be prepared an Initial Study (IS) and environmental determination prior to LAFCO's consideration of the incorporation proposal.

An Initial Study is required pursuant to CEQA to determine whether the project may have a significant impact on the environment. If the IS shows no substantial evidence that the project will create significant adverse environmental impacts, then LAFCO may adopt a Negative Declaration (ND). If the IS concludes that the project may produce significant environmental impacts, then preparation of an Environmental Impact Report (EIR) may be required.

In February 2008, LAFCO retained the services of PMC, a professional environmental consulting firm, to prepare the IS. The IS concludes that no significant environmental effect will result from the proposed incorporation of the Town of Alamo. Consequently, an ND was prepared.

This conclusion is based on a number of factors, including the following:

- The incorporation, if approved by LAFCO and supported by a majority of registered voters in the area voting in the incorporation election, would transfer general governance and jurisdiction of municipal service provision and land use decisions from the County of Contra Costa to the new Town of Alamo.
- No new development or new services are associated with the proposed project ("incorporation"). The project does not include changes in land use.
- In accordance with Government Code §57376(a), the new city is obligated to adopt the Contra Costa County Zoning Ordinance and General Plan for a period of 120 days or until the new city adopts its own ordinances.
- Government Code §65360 provides a new city up to 30 months following incorporation to prepare and adopt a new General Plan. It is anticipated that Alamo will adopt the current Contra Costa County General Plan until such time as it adopts its own General Plan. Environmental review of the new city's own General Plan would be required prior to its adoption. In the meanwhile, no changes in land use designations, zoning designations, policies, guidelines, or development regulations would occur as a result of the incorporation. All such designations and regulations are assumed to be identical to those imposed by the County. Development potential for the incorporation areas would remain the same as currently permitted under County jurisdiction and until the new Town Council adopts its own General Plan, Zoning Ordinance, and amendments to other policies or regulations that regulate development within the area of incorporation.

On July 25, 2008, LAFCO released the Draft ND and corresponding IS for a 30-day comment period ending on August 28, 2008. All affected agencies were notified of the documents and the intent to adopt the Negative Declaration. The documents were also sent to the State Clearinghouse for distribution. During the comment period, comment letters were received from the State Department of Fish & Game (DFG), East Bay Municipal Utility District (EBMUD) and San Ramon Valley Fire Protection District (SRVFPD). The DFG and EBMUD indicated "no comment." The SRVFPD requested clarification of the following: 1) proposed sphere of influence changes in relation to the proposed incorporation, and 2) proposed Town of Alamo boundary. Further, the SRVFPD expressed concerns with inclusion of Study Area 2 in the proposed incorporation boundary.

The Draft IS/ND was revised to provide clarification on these issues and posted on the Contra Costa LAFCO website. In addition, the consultant prepared responses to comments (Attachment 3).

RECOMMENDATIONS

1. Find that, before approving this project, LAFCO has considered the proposed negative declaration, together with any comments received during the public review process;
2. Adopt the Negative Declaration for the project, finding that it is adequate and complete and was prepared consistent with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and specify that the LAFCO Office (located at 651 Pine Street, Sixth Floor, Martinez, CA) is the custodian of the documents and other materials which constitute the record of the proceedings upon which this decision is based;
3. Find that, on the basis of the whole record, there is no substantial evidence that the project, will have a significant effect on the environment, and the Negative Declaration reflects LAFCO's independent judgment and analysis; and
4. Direct the LAFCO Executive Officer to file a Notice of Determination with the County Clerk.

Please contact the LAFCO office if you have any questions.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Notice of Intent to Adopt Negative Declaration
2. Negative Declaration/Initial Study (available online at www.contracostalafco.org)
3. Comments and Responses

**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
FOR THE INCORPORATION OF THE TOWN OF ALAMO**

Notice is hereby given that the Contra Costa Local Agency Formation Commission (LAFCO) has completed and released a Public Review Draft Initial Study (IS) and Negative Declaration (ND) for the proposed incorporation of Alamo. The project is the incorporation of a new city to be called the *Town of Alamo*, generally situated between the Town of Danville to the south, City of Walnut Creek to the north, Las Trampas Regional Park to the west, and Mt. Diablo State Park and Shell Ridge Recreation Area to the east and northeast.

The incorporation, if approved by LAFCO and supported by a majority of registered voters in the area, would transfer general governance and jurisdiction over service provision and land use decisions from the County of Contra Costa to the new Town of Alamo.

No new development or new services are associated with the proposed project. The project does not include changes in land use, as the new Town upon incorporation would adopt the Contra Costa County Zoning Ordinance and General Plan.

This notice is to inform the public that the draft ND, with accompanying IS and supporting documents have been completed and are available for public review for a period of at least 30 days beginning on July 28, 2008 and ending on August 27, 2008. Copies of these documents are available for review on the LAFCO website at www.contracostalafco.org and in the LAFCO office at 651 Pine Street, Sixth Floor in Martinez.

All comments concerning the draft ND, accompanying IS and supporting documents should be made in writing and directed to Lou Ann Texeira, Executive Officer, Contra Costa LAFCO. Written comments should be submitted on or before the public review period ends on August 27, so that they may be reviewed and considered with the proposed project; comments sent via FAX to (925) 646-1228 will be accepted.

The draft ND finds that no significant effect will result from the project; the IS and supporting documents provide the basis for the finding. The Contra Costa LAFCO will be asked to adopt the ND at a public hearing on September 18, 2008 at 4:30 p.m. The meeting will be held at the Creekside Community Church located at 1350 Danville Blvd. in Alamo.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

SAN RAMON VALLEY FIRE PROTECTION DISTRICT

Administration
Phone: 925-838-6600
Fax: 925-838-6629
www.srvfire.ca.gov

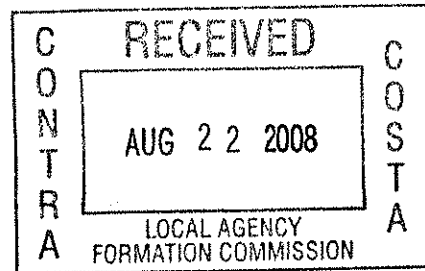
1500 Bollinger Canyon Road
San Ramon, California 94583

Fire Prevention
Inspections: 925-838-6680
Phone: 925-838-6600
Fax: 925-838-6696

August 12, 2008

VIA FACSIMILE
(925) 646-1226
LTexe@lafco.cccounty.us

Ms. Lou Ann Texiera
LAFCO Executive Officer
Contra Costa County
Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553



Re: Draft Initial Study/Negative Declaration; Incorporation of the Town of Alamo

Dear Ms. Texiera:

This communication sets forth the comments of the San Ramon Valley Fire Protection District ("District") on the proposed review under the California Environmental Quality Act (Public Resources Code section 21000 *et seq.* "CEQA") for the proposed incorporation of the Town of Alamo (the "Incorporation").

The District incorporates its comments on the draft Comprehensive Fiscal Analysis ("CFA") for the Incorporation, which is submitted concurrently with this communication.

It is initially noted that the Negative Declaration Project Description (pp. 2-3) should be modified to explain why the additional changes of organization and amendment of Spheres of Influence ("SOIs") (City of Walnut Creek, Confire, at the District, among others) are not included to make it consistent with the explanation on Initial Study page 4, which provides:

* * *

Thus, LAFCO will consider adjusting the Danville and Walnut Creek SOIs to be congruent with the proposed Town of Alamo boundary through a separate LAFCO action and in conjunction with a Municipal Services Review, which is currently underway.

Ms. Lou Ann Texiera
LAFCO Executive Officer
Contra Costa County
Local Agency Formation Commission
August 12, 2008
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It is not clear what that referenced "proposed Town of Alamo boundary" phrase just set forth refers to. Is it the Incorporation area which excludes Study Area 2? If so, where is there the acknowledgment of adjustment of other SOIs? And if there is to be adjustment of other SOIs, is not that part of this Project – the Incorporation – and something which should be assessed now to avoid prohibited "segmentation" of a Project's analysis under CEQA?

If the Project Description is not modified then there should be both a substantive condition to a proposed change of organization in the form of Incorporation for the Town and an environmental mitigation condition to the Negative Declaration. The conditions should indicate that there will be a modification of the Property Tax Allocation Agreement currently proposed for the Incorporation reflecting these additional boundary changes associated with the Incorporation.

As with the draft CFA, the District maintains that the Study Area 2 Alternative should clearly be indicated to *not be a part* of the proposed Incorporation and not a part of the Project Description for the Incorporation.

Your review of the matter set forth in this communication is respectfully requested.

Very truly yours,


Craig Bowen
Fire Chief

CB/sfb

cc: District Board Members
William D. Ross, District Counsel



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

August 28, 2008

Lou Ann Texeira
 Contra Costa County Local Agency Formation Commission (LAFCO)
 651 Pine Street, 6th Floor
 Martinez, CA 94553

Subject: Proposed Incorporation of the Town of Alamo
 SCH#: 2008072102

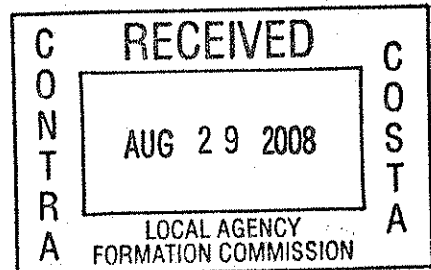
Dear Lou Ann Texeira:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 27, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
 Director, State Clearinghouse



**Document Details Report
State Clearinghouse Data Base**

SCH# 2008072102
Project Title Proposed Incorporation of the Town of Alamo
Lead Agency Contra Costa County Local Agency Formation Commission

Type Neg Negative Declaration

Description The proposed project consists of the incorporation of approximately 9.87 square miles (6,295 acres) as a new municipal government, to be called the Town of Alamo. The Town of Alamo initially would be incorporated as a General Law city under the Constitution of the State of California. The proposed form of the new town would be the "Council/Manager" form common to small and mid-size towns throughout the State. Under the Council/Manager, a five-person town council, elected at large, would retain a City Manager who would be responsible for the day-to-day operations of the town with an appointed City Clerk. The new Town Council would be obligated by Government Code §57376(a) to adopt all County Ordinances for a period of 120 days or until the new city adopts its own ordinances, whichever comes first. No changes in existing land use designations, zoning designations, policies, guidelines, or development regulations are proposed as part of the incorporation. Initially, the County or other entities may be contracted to provide government services. Over time, these services may be provided directly by the Town. A variety of services, including structural fire protection, parks and recreation, public utilities, water and wastewater, solid waste, electricity, gas, cable television, public transportation, flood control, library, cemetery, public health, public education and environmental health would continue to be provided by existing service providers.

Lead Agency Contact

Name Lou Ann Texeira
Agency Contra Costa County Local Agency Formation Commission (LAFCO)
Phone (925) 335-1094 **Fax**
email
Address 651 Pine Street, 6th Floor
City Martinez **State** CA **Zip** 94553

Project Location

County Contra Costa
City Alamo
Region
Lat / Long
Cross Streets Interstate 680 and Stone Valley Road
Parcel No. Multiple
Township 1S **Range** 1W, 2W **Section** 1, 2, **Base**

Proximity to:

Highways 680
Airports
Railways
Waterways
Schools San Ramon USD, Acalanes UHSD, and Walnut Creek School District
Land Use Multiple per the existing General Plan.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

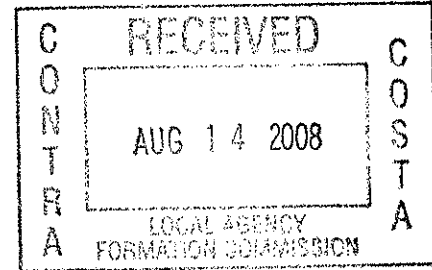
**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Office of Emergency Services; Department of Housing and Community Development; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Cal Fire

Date Received 07/28/2008 **Start of Review** 07/28/2008 **End of Review** 08/27/2008



August 12, 2008



Lou Ann Texeira, Executive Officer
Contra Costa County Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, CA 94553

Re: Notice of Intent to Adopt a Negative Declaration – Town of Alamo
Incorporation Project, Contra Costa County

Dear Ms. Texeira:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Intent to Adopt a Negative Declaration for the Town of Alamo Incorporation Project located in Contra Costa County. EBMUD has no comments regarding environmental issues for this project.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. R. Kirkpatrick'.

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:NJR:sb
sb08_216.doc

cc: Vicki Koc
Alamo Incorporation Committee
391 James Bowie Court
Alamo, CA 94507



September 4, 2008

Lou Ann Texeira, LAFCO Executive Officer
CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, 6th Floor
Martinez, CA 94553

**RE: PROPOSED INCORPORATION OF THE TOWN OF ALAMO
RESPONSE TO COMMENTS**

Dear Ms. Texeira:

The end of the public review period for the Initial Study/Negative Declaration for the proposed incorporation of the Town of Alamo was August 28, 2008. We have provided responses to the comment letter received from the San Ramon Valley Fire Protection District dated August 12, 2008. There were no other substantive comment letters received prior to September 4, 2008.

Comment 1-1: The Project Description on page 2-3 should be modified to explain why the additional changes of organization and amendment of the Spheres of Influence are not included to make consistent with the explanation on page 4.

Response to Comment 1-1: This is clarified through revisions to the Project Description (page 4) and the Land Use and Planning Section (page 44).

The third paragraph on Page 4 and the first paragraph on page 44 have been revised as follows:

There are portions of unincorporated Contra Costa County included in the project area (Study Areas 1 and 2) that are currently within the Sphere of Influence (SOI) for the City of Walnut Creek and Town of Danville. Pursuant to Government Code §56720, the proposed incorporation boundary must be consistent with the spheres of influence of other affected agencies. Thus, LAFCO will need to consider adjusting the Danville and Walnut Creek SOIs to be congruent with the proposed Town of Alamo boundary prior to taking action on the incorporation proposal.

The following paragraph has been added as the fourth paragraph on Page 49 as follows:

Adjusting the SOI of Danville would remove 12+ acres from Danville's SOI and make them eligible for being included within the proposed Alamo boundary. Likewise, adjusting the SOI for the City of

Walnut Creek would remove 101+ acres from Walnut Creek's SOI and make them eligible for inclusion within the proposed Alamo town boundary. By action of law, incorporation would also detach the areas within the SOI boundaries from various County Service Areas and benefit assessment districts. Because there are no changes in land use that would be affected by incorporation, there would be **no impacts** as a result of the adjustments to the special districts, nor to the SOIs of the Cities of Danville and Walnut Creek.

Comment 1-2: It is unclear what the proposed Town of Alamo boundary refers to. Is it the Incorporation area excluding Study Area 2? If there is to be adjustment of other SOIs, is that not part of the project?

Response to Comment 1-2: The Town of Alamo Incorporation Boundary, as proposed by the petitioners, includes Study Area 1 only and excludes Study Area 2. The minor adjustments to the City of Walnut Creek's and the Town of Danville's SOIs are shown on the attached figure (Map showing SOIs). According to the Contra Costa County General Plan (see attached CCCGP-Fire District) and the San Ramon Valley Fire Protection District website, the San Ramon Valley Fire Protection District provides fire service to the Town of Danville and the community of Alamo. Changing the Town of Danville's SOI to exclude the portion of land within the proposed Town of Alamo boundary will have no environmental effect on the San Ramon Valley Fire Protection District's ability to provide fire services since it will continue to provide services consistent with existing service areas. Contra Costa County Fire Protection District provides service to the northern most portion of the proposed Town of Alamo boundary and the City of Walnut Creek. Changing the boundary of the City of Walnut Creek's SOI will have no environmental effect on the Contra Costa County Fire Protection District's ability to provide fire services since it will continue to provide services consistent with existing service areas. Additional detail may be provided by the CFA consultant.

Comment 1-3: If the project description is not modified then there should be a substantive condition and an environmental mitigation condition to the Negative Declaration to change of organization in the form of incorporation for the Town that indicates that there will be a modification of the Property Tax Allocation Agreement currently proposed for the Incorporation that reflects these boundary changes.

Response to Comment 1-3: Comment noted. The Incorporation boundaries are as identified in the CFA as boundary alternative I, which is the same as the project description in the Initial Study. The CFA analysis of each boundary alternative provided a basis for LAFCO to make determinations of final boundaries that reflect the goals and objectives of incorporating logical communities of interest and long term fiscal viability. The initial study provides more information about the SOIs that need to be adjusted prior to the incorporation to make all boundaries congruent. The Property Tax Allocation Agreement for the Incorporation would include only Study Area 1. Additional detail may be provided by the CFA consultant.

Lou Ann Texeira, LAFCO Executive Officer

September 4, 2008

Page 3

We have attached the figure showing the affected SOI boundaries and a revised Initial Study for the public hearing that includes the above revisions and other non-substantive textual changes.

Sincerely,



Michael McCormick
Project Manager

MMC:pl:

Attachment: SOI Boundary Figure and Revised Public Hearing Initial Study/ND

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION FOR THE
PROPOSED INCORPORATION OF THE TOWN OF ALAMO AND
RELATED SPHERE OF INFLUENCE ACTIONS

WHEREAS, on November 5, 2007, a petition and application to incorporate the Town of Alamo were filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

WHEREAS, the proposed incorporation is considered a project subject to review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to §15367 of the State CEQA Guidelines, Contra Costa LAFCO is the Lead Agency for this project; and

WHEREAS, a draft Initial Study and Negative Declaration were prepared for this project, and circulated for public review and comment in accordance with CEQA; and

WHEREAS, the draft Initial Study and Negative Declaration find that no environmental impacts would occur as a result of the proposed incorporation of the Town of Alamo; and

WHEREAS, the Initial Study and Negative Declaration have been reviewed and considered by the Commission prior to consideration of the proposed incorporation of the Town of Alamo; and

WHEREAS, no written comments of opposition to the Negative Declaration or comments recommending significant amendment to the Negative Declaration were received; and

WHEREAS, at the time and in the manner required by law the LAFCO Executive Officer gave notice of the Commission's consideration of this matter; and

WHEREAS, at a public hearing on September 18, 2008, the Commission heard, discussed and considered all oral and written testimony related to the adoption of the Negative declaration for this project;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Find that, before approving this project, LAFCO has considered the proposed negative declaration, together with any comments received during the public review process;
2. Adopt the Negative Declaration for the project, finding that it is adequate and complete and was prepared consistent with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and specify that the LAFCO Office (located at 651 Pine Street, Sixth Floor, Martinez, CA) is the custodian of the documents and other materials which constitute the record of the proceedings upon which this decision is based;

3. Find that, on the basis of the whole record, there is no substantial evidence that the project, will have a significant effect on the environment, and the Negative Declaration reflects LAFCO's independent judgment and analysis; and
4. Direct the LAFCO Executive Officer to file a Notice of Determination with the County Clerk.

PASSED AND ADOPTED THIS 18TH day of September 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: September 18, 2008

Lou Ann Texeira, Executive Officer