

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 13, 2009
Agenda Item 6

May 13, 2009 (Agenda)

<u>LAFCO 09-03</u>	Macdonald Annexation to County Service Area (CSA) L-100
<u>PROPONENT</u>	Alex and Darlene Macdonald – landowners/petitioners
<u>ACREAGE & LOCATION</u>	Approximately 2.246± acres located at 570 Pine Creek Road in unincorporated Walnut Creek (APN 138-230-028)
<u>PURPOSE</u>	Participate in the countywide street lighting and maintenance program, and to comply with a County condition of approval.

SYNOPSIS

This is a proposal to annex territory into CSA L-100. A condition of approval of the land use permit requires annexation to CSA L-100, which provides street lighting services in the unincorporated area. The site is within the District's sphere of influence and inside the County Urban Limit Line.

PROPOSAL INFORMATION:

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

The property proposed for annexation currently contains one single family residential dwelling unit. The applicant previously applied to the County to subdivide the property into two parcels and build one additional house. As a condition of the County's approval, the applicant is required to annex to CSA L-100.

The General Plan designation for the parcel is Single Family Residential – Very Low Density; the zoning is R-40 – Single Family Residential (minimum lot size: 40,000 sq. ft.).

The surrounding land uses include very low density, single family residential development.

The proposed uses are consistent with the County zoning and land use designations.

2. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are developed. The site proposed for annexation is relatively flat with a creek running through the east side of the property. The surrounding area is relatively flat.

3. Population:

The addition of one single-family residential unit will not have a significant impact on population.

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

The plan for providing services within the affected territory, as required by Government Code §56653, is on file. The level and range of services will be similar to those provided by CSA L-100 to developed properties currently within its boundaries.

5. Assessed Value, Tax Rates and Indebtedness:

The area is within tax rate area 79079. The assessed value for the property is \$692,999 (2008-09 roll). Overall tax rates will not be changed by the annexation.

6. Environmental Impact of the Proposal:

In 2006, Contra Costa County, as Lead Agency, adopted an Initial Study and Negative Declaration for the underlying land use project. This included analysis of some LAFCO related issues, but did not specifically mention LAFCO or the LAFCO actions. A copy of this document is available for review in the LAFCO office.

The LAFCO Environmental Coordinator reviewed the proposed LAFCO project to determine whether there was a potential for any adverse environmental impacts. It can be seen with certainty that the LAFCO action will have no significant impacts. For this reason, the General Rule Exemption from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) is recommended.

7. Landowner Consent and Registered Voters:

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

8. Boundaries and Lines of Assessment:

There are no conflicts with lines of assessment or ownership. A map to implement this change has been approved by the County Surveyor.

ALTERNATIVES FOR COMMISSION ACTION:

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 Approve the annexation as submitted.

- A. Determine that Contra Costa County, as Lead Agency, has found the project to be categorically exempt pursuant to CEQA Guidelines, 15061(b)(3).

- B. Adopt this report and approve the proposal, to be known as the Macdonald Annexation to County Service Area L-100, 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. 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 conducting authority proceedings.
- D. Waive conducting authority proceedings and direct the staff to complete the proceeding.

Option 2 Adopt this report and DENY the proposal.

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

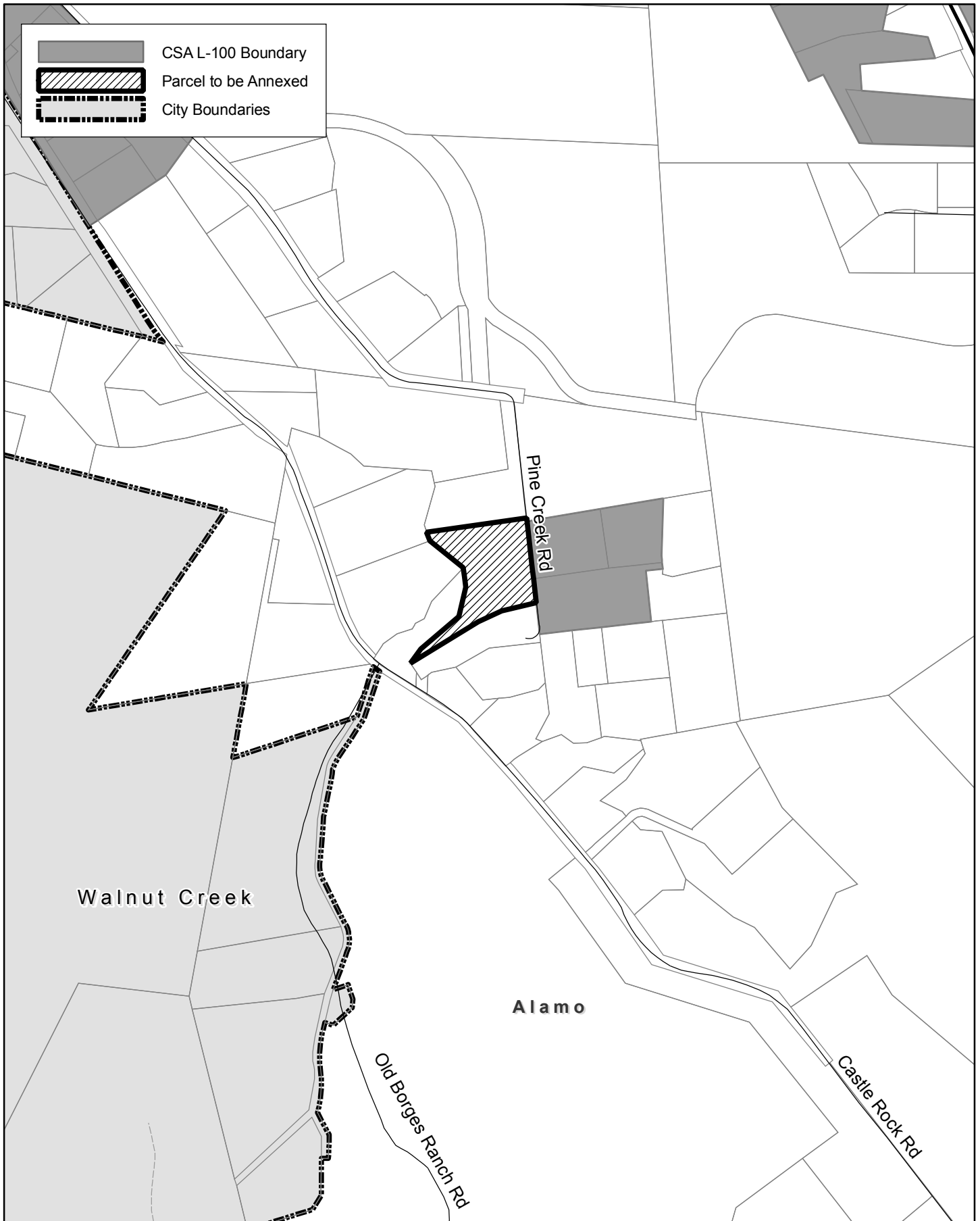
RECOMMENDED ACTION:

Approve Option 1.

LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

c: Distribution

LACFO No. 09-03: MacDonald Annexation to CSA L-100



RESOLUTION NO. 09-03

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE
MACDONALD ANNEXATION TO COUNTY SERVICE AREA L-100**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters object to the proposed annexation; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission determines that Contra Costa County, as Lead Agency, has found the project to be categorically exempt pursuant to California Environmental Quality Act Guidelines, Section 15061(b)(3).
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

MACDONALD ANNEXATION TO COUNTY SERVICE AREA L-100
4. Said territory is found to be uninhabited.
5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

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6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
7. 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.
8. Satisfactory proof having been given that no affected landowners/registered voters oppose the annexation, and that the annexing agency has given written consent to the waiver of conducting authority proceedings, said conducting authority proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 13th day of May 2009, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

GAYLE UILKEMA, 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.

Dated: May 13, 2009

Lou Ann Texeira, Executive Officer