

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

APPROVING AN EXPANSION TO THE SPHERE OF INFLUENCE FOR THE CONTRA COSTA WATER 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 Central County water and wastewater services, including those provided by the Contra Costa Water District (CCWD) and adopted written determinations as required by Government Code §56430 on April 9, 2008; and

WHEREAS, the MSR report identified a number of SOI options for CCWD, including adjusting the District's SOI to be consistent with the voter approved Urban Limit Lines (ULLs) for the cities of Antioch and Pittsburg; and

WHEREAS, the SOI update for CCWD was deferred pending preparation of an Initial Study relating to the proposed expansions of SOIs for the City of Pittsburg, CCWD and Delta Diablo Sanitary District to coincide with the ULLs for the cities of Antioch and Pittsburg; and

WHEREAS, on July 8, 2009, Contra Costa LAFCO, as Lead Agency, adopted a Negative Declaration relating to the proposed expansions of SOIs for the City of Pittsburg, CCWD and DDS; and

WHEREAS, CCWD's service boundary encompasses approximately 218 square miles; and the District's SOI extends beyond its boundary and includes two adjacent areas south of Concord and Clayton; areas around the periphery of the Los Vaqueros watershed, including area in Alameda County; an unincorporated area between Pittsburg and Antioch (within Antioch's SOI); Veale Tract east of Oakley; and Browns Island and Winter Island northeast of Pittsburg; and

WHEREAS, it is hereby proposed that CCWD's SOI be expanded to include an additional 1,799 acres as generally depicted on Exhibit A attached hereto; and

WHEREAS, CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez, and the District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek; and

WHEREAS, CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch; and

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

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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 public hearings held on February 13, March 12, and April 9, 2008 and July 8, 2009; 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. Expand the SOI for CCWD as generally depicted on Exhibit A attached hereto.
2. Determine that Contra Costa LAFCO, as Lead Agency, prepared and adopted a Negative Declaration relating to CCWD's SOI expansion pursuant to the California Environmental Quality Act (CEQA).
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) 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 water service. County and city policies support the provision of adequate water service for businesses and residents. Although there are agricultural and open space lands within the District's boundaries and SOI, water 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 29% over the next 23 years to 650,000. There will be an increased need for comprehensive water 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* – CCWD 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. CCWD's contractual allotment of Central Valley Project water, the District's primary source of water supply, does not change due to changes in the District's boundaries or SOI; water deliveries are based on hydrologic conditions. CCWD bears the responsibility for ensuring adequate, reliable water supplies for the areas it has agreed to serve. Furthermore, the terms of CCWD's contract involve additional requirements and review by various state and federal agencies. Expansion of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by CCWD.
 - 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* – CCWD was formed in 1936. The District collects service charges from existing users and fees for new

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development; the District also receives a portion of the 1% property tax. The District has entered into long-term debt obligations to fund various major facilities, including the Los Vaqueros Reservoir. Property owners within the area and ratepayers have an economic interest in receiving services from this investment. The SOI expansion will not affect the existence of any social or economic communities of interest in the area that are relevant to CCWD.

- e. *Nature, location, extent, functions & classes of services to be provided* – CCWD’s untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District’s treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 510,000 people within both service areas combined.

PASSED AND ADOPTED THIS 8TH day of July 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 above.

Dated: July 8, 2009

Lou Ann Texeira, Executive Officer

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RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN EXPANSION TO THE SPHERE OF INFLUENCE FOR THE
DELTA DIABLO SANITATION 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 East County water and wastewater services, including those provided by the Delta Diablo Sanitation District (DDSD) and adopted written determinations as required by Government Code §56430 on December 19, 2007; and

WHEREAS, the MSR report identified a number of SOI options for DDSD, including adjusting the District's SOI to be consistent with the voter approved Urban Limit Lines (ULLs) for the cities of Antioch and Pittsburg; and

WHEREAS, the SOI update for DDSD was deferred pending preparation of an Initial Study relating to the proposed expansions of SOIs for the City of Pittsburg, Contra Costa Water District (CCWD) and DDSD to coincide with the ULLs for the cities of Antioch and Pittsburg; and

WHEREAS, on July 8, 2009, Contra Costa LAFCO, as Lead Agency, adopted a Negative Declaration relating to the proposed expansions of SOIs for the City of Pittsburg, CCWD and DDSD; and

WHEREAS, DDSD's service boundary encompasses approximately 50 square miles, and the District's SOI extends beyond its boundary in the southern portion of Roddy Ranch, which is outside the voter approved ULL, and in northeast Antioch; and

WHEREAS, it is hereby proposed that DDSD's SOI be expanded to include an additional 3,161 acres as generally depicted on Exhibit A attached hereto; and

WHEREAS, DDSD provides wastewater collection services for the unincorporated community of Bay Point; and conveyance, treatment, and disposal services for the cities of Antioch and Pittsburg and certain unincorporated areas of eastern Contra Costa County, including the community of Bay Point. The District also provides street sweeping within its boundaries and operates the Delta Household Hazardous Waste Collection Facility for residents in eastern Contra Costa County; and

WHEREAS, since 2001, the DDSD has provided recycled water to the Delta Energy Center, the Los Medanos Energy Center, and is expanding recycled water conveyance to Pittsburg and Antioch for irrigation of local public parks and median landscapes; and

WHEREAS, no change in regulation, land use or development will occur as a result of expanding 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

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WHEREAS, the SOI update was duly considered at public hearings held on December 19, 2007 and July 8, 2009; 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. Expand the SOI for the DDSO as generally depicted on Exhibit A attached hereto.
2. Determine that Contra Costa LAFCO, as Lead Agency, prepared and adopted a Negative Declaration relating to DDSO's SOI expansion pursuant to the California Environmental Quality Act (CEQA).
3. Determine that the Commission has considered the criteria set forth in Government Code §56425 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 and recycled water supplies. County and city policies support the provision of adequate wastewater services for businesses and resident. Although there are agricultural and 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 24% over the next 23 years to 225,847. There will be an increased need for comprehensive wastewater services, including a reliable recycled water supply. No changes in public facilities or services provided by the District will result from this SOI expansion.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – DDSO 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 and increase capacity where necessary. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by DDSO.
 - 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* – DDSO was formed in 1955 as County Sanitation District No. 7A and began treating wastewater from the three communities in 1982. In 2001, County Sanitation District No. 7B (Concord Naval Air Station/Port Chicago) was dissolved and the area annexed to DDSO. The District collects service charges within its three service zones and receives a portion of the 1% property tax. The service charges include fees for capital asset upgrades, replacement, and rehabilitation. Capital expansion is funded by new connection charges. Property owners within the area and ratepayers have an economic interest in receiving services from this investment. The SOI expansion will not affect the

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existence of any social or economic communities of interest in the area that are relevant to DDS.

- e. *Nature, location, extent, functions & classes of services to be provided* – DDS provides wastewater conveyance, treatment, disposal, recycled water, street sweeping, and household hazardous waste collection to the cities of Antioch and Pittsburg, the Bay Point community, and adjacent unincorporated areas.

PASSED AND ADOPTED THIS 8TH day of July 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 above.

Dated: July 8, 2009

Lou Ann Teixeira, Executive Officer

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**RESOLUTION OF THE CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION**

**APPROVING AN EXPANSION TO THE SPHERE OF INFLUENCE FOR THE
CITY OF PITTSBURG**

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 East County general municipal services, including those provided by the City of Pittsburg, and adopted written determinations as required by Government Code §56430 on December 10, 2008; and

WHEREAS, the MSR report identified a number of SOI options for the City of Pittsburg, including adjusting the City's SOI to coincide with the City of Pittsburg's voter approved Urban Limit Line (ULL); and

WHEREAS, the City of Pittsburg's corporate boundary encompasses approximately 19 square miles, with 29 square miles within its SOI, which includes the community of Bay Point as well as open space and industrial areas north of Willow Pass Road; and

WHEREAS, it is hereby proposed that the City of Pittsburg's SOI be expanded to include an additional 1,359 acres as generally depicted on Exhibit A attached hereto; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the City'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 July 8, 2009; 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. Expand the City of Pittsburg's SOI as generally depicted on Exhibit A attached hereto.
2. Determine that Contra Costa LAFCO, as Lead Agency, prepared and adopted a Negative Declaration relating to the City of Pittsburg's SOI expansion pursuant to the California Environmental Quality Act.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425 as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands*
The present land uses within the existing SOI areas include agricultural land and open space uses; planned land uses within the SOI expansion areas include low density residential, hillside low density

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residential, and open space uses as contemplated in the City of Pittsburg’s General Plan. Approximately 686 acres of the SOI expansion areas are designated as “Williamson Act – Non Prime Agricultural Land”, of which 162 acres are designated as “Williamson Act – Prime Agricultural Land in Non Renewal.”

b. *The present and probable need for public facilities and services in the area* – The population in the City is expected to continue to grow, with an estimated annual growth rate of 1.1%. There will continue to be a need for City services. With approval of the City’s ULL (Measure P) by the electorate in 2005, the City anticipated that lands within this line would be added to the City’s SOI. The SOI expansion areas, which comprise 1,359 acres, could collectively yield as many as 3,275 dwelling units (maximum yield). Future development within the SOI expansion areas would require the extension of public facilities and the provision of additional public services. The City has developed infrastructure master plans to ensure the proper size, location, and timing of infrastructure improvements. The City also charges participation fees and other mitigation fee programs and exactions to ensure that adequate public services are available to new development. No changes in public facilities or services provided by the City will result from this SOI expansion.

c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – As noted in the MSR, the present capacity of public facilities and services appears is regularly monitored. There are no deficiencies in the City’s public facilities. Public services including police protection, fire protection, and emergency medical services are provided by those agencies that are trained, equipped and readily available to perform their duties. The MSR identified deficiencies in police protection (ratio of sworn officers per 1,000 population) and park development (5 acres of developed parks per 1,000 population). The SOI expansion will not impact the present capacity of public facilities and adequacy of public services that the City provides or is authorized to provide.

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* – The City of Pittsburg incorporated in 1903 and has continued to grow. The City’s current SOI includes the community of Bay Point, which is considered to be a community of interest with respect to its relationship to the City of Pittsburg. The SOI expansion will not affect the existence of any social or economic communities of interest in the area that are relevant to the City of Pittsburg.

PASSED AND ADOPTED THIS 8TH day of July 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 above.

Dated: July 8, 2009

Lou Ann Texeira, Executive Officer

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