

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2013 (Agenda)

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Agenda Item 7

LAFCO 13-05 **Sphere of Influence Amendments - Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD)**

PROPOSERS CCCSD – Resolution No. 2012-095 dated December 6, 2012
MVSD – Resolution No. 1330-2013 dated February 14, 2013

ACREAGE & LOCATION The districts propose to adjust their spheres of influence (SOIs) by 18.2± acres (Martinez area) as shown on the attached map (Attachment 1)

PURPOSE: To correct parcel, boundary and service irregularities between the two districts.

SUMMARY

In November 2011, the Central Contra Costa Sanitary District (CCCSD) submitted a proposal to annex 99.7± acres in nine areas located in Lafayette and Martinez (CCCSD Annexation No. 182). It was subsequently discovered that a portion of the area proposed for annexation is within the Mt. View Sanitary District's (MVSD) SOI. The subject area comprises nine parcels (18.2± acres) located on Kendall Court and Northridge Road in the City of Martinez, and includes six single family residential homes, three vacant parcels, and one parcel that is government owned and holds a water tank. All properties are within the countywide Urban Limit Line.

The two districts have reviewed their respective SOIs and service boundaries and have determined that CCCSD is the most logical service provider for these nine parcels. Subsequently, each district board approved a resolution of application to amend their respective SOIs to add the nine parcels to the CCCSD SOI and remove the same parcels from the MVSD SOI, subject to LAFCO's approval.

BACKGROUND

MVSD's boundary and SOI are contiguous to CCCSD on all sides, since MVSD is an island within CCCSD's service area. MVSD was established in 1923 and serves the unincorporated areas of Mountain View, Vine Hill, and Northern Pacheco, and a portion of the City of Martinez. CCCSD was formed in 1946 to serve areas to the south (Lamorinda, Walnut Creek, Pleasant Hill), and eventually expanded to include Alamo, Danville and San Ramon. Previously, the City of Martinez had its own sanitary system, but voted to annex to CCCSD in 1968; thus allowing CCCSD to encircle MVSD, which at that time was an adjacent district.

The districts have a long-standing agreement to cooperate on projects and programs; and they share resources, where appropriate, to improve service and for cost effectiveness. The districts collaborate on programs including the Household Hazardous Waste Collection Facility that serves central Contra Costa County. MVSD contracts with CCCSD to perform certain services, which provides economies of scale to both districts and allows MVSD to keep personnel costs lower. Services provided by CCCSD include conducting laboratory tests in its environmental lab, providing inspection services for MVSD's commercial accounts, and implementing the Fats, Oils and Grease control program. Additionally, CCCSD assists in the preparation of MVSD's Annual Pollution Prevention Report.

DISCUSSION

The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the county, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. The intent of an SOI is to identify the most appropriate areas for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's sphere is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

The CKH Act requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency's SOI. Once an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

State law requires LAFCO to review and update, as necessary, the SOI of each local agency not less than every five years. In conjunction with an SOI update, LAFCO must prepare a Municipal Services Review (MSR). In April 2008, the Commission accepted the MSR report covering water and wastewater services in Central Contra Costa County. The MSR included a review of CCCSD and MVSD services along with SOI options and recommendations. In accordance with the MSR, the Commission updated the SOIs for CCCSD and MVSD.

In determining a sphere, LAFCO is required to consider and prepare a written statement of determinations with respect to certain factors prior to making a decision, as discussed below (Gov. Code §56425).

1. The present and planned uses in the area, including agricultural and open space lands.

The subject properties are zoned rural residential (minimum lot size 40,000 sq. ft., 0-6 units/gross acre). Surrounding areas to the north, south, east and west include single family residential uses.

The proposed SOI amendments and pending annexation will facilitate no changes in land use.

2. The present and probable need for public facilities and services in the area.

There is a present and probable need for wastewater facilities and services to serve the existing single family homes, and facilitate service to the three vacant parcels.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCCSD currently serves an estimated population of 467,500 residents in a 144-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 19 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains. All sewer connections to the subject property will be either gravity flow or individual residential pump systems.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 33.2 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd.

CCCSD has sufficient capacity to accommodate dry and wet weather sewer flows from the proposed SOI amendment.

4. *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 primary social or economic communities of interest that are relevant to the proposed SOI amendments are the Martinez community and CCCSD customer base. The SOI amendments are consistent with the City of Martinez General Plan, and would reflect logical adjustments to the CCCSD and MVSD boundaries.

In addition to the above determinations, the Commission, when adopting, amending, or updating an SOI for a special district, shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

CCCSD provides wastewater collection, treatment, and disposal services for Danville, Lafayette, Moraga, Orinda, Pleasant Hill, and Walnut Creek, and portions of Martinez and San Ramon and unincorporated areas within central Contra Costa County. The District also provides wastewater treatment for the cities of Concord and Clayton, and is a partner in the Household Hazardous Waste Collection Facility (HHWCF) that serves the central portion of the county.

MVSD provides wastewater collection, treatment, and disposal services for the central portion of the City of Martinez and adjacent unincorporated lands to the northeast. The District collaborates with CCCSD to provide a permanent HHWCF and disposal services for the central portion of the county. MVSD has a franchise agreement with Allied Waste (parent company to Pleasant Hill Bayshore Disposal) for Allied Waste to provide trash collection, recycling, and disposal services within the unincorporated area of MVSD's boundaries.

Environmental Impact of the Proposal

CCCSD, as Lead Agency, has determined that all of the properties in the subject areas are Categorically Exempt – Class 19, Section 15319.

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 actions:

Option 1 Approve amendments to the SOIs of CCCSD and MVSD resulting in a net increase in CCCSD's SOI of 18.2± acres, and a net decrease in MVSD's SOI of 18.2± acres as depicted on the attached map (Attachment 1).

A. Determine that the CCCSD, as Lead Agency, found the project to be Categorically Exempt – Class 19, Section 15319.

- B. The Commission determines the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
- C. Adopt this report and amend the SOIs of CCCSD and MVSD as described herein and shown on the attached maps.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION:

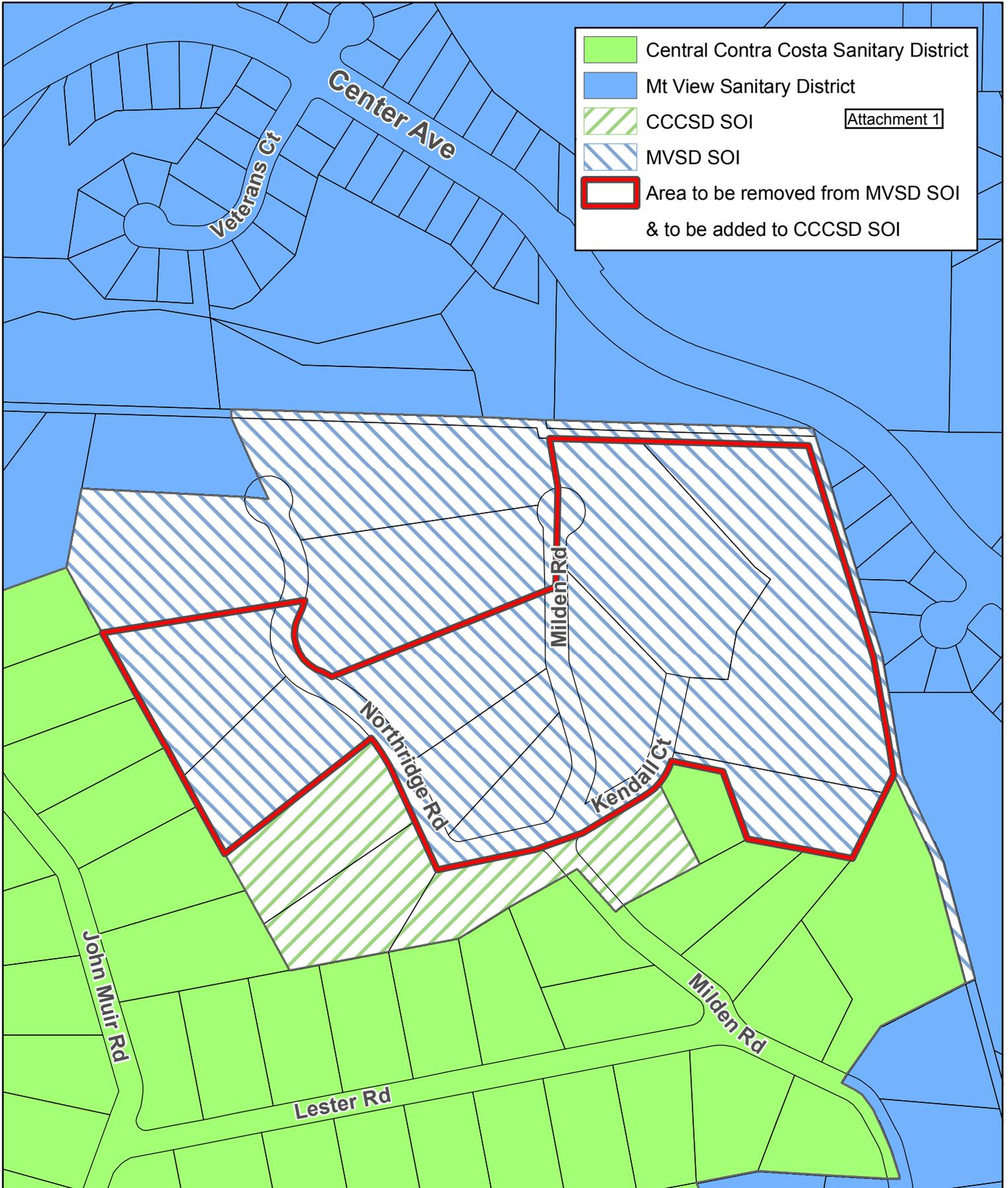
Approve Option 1.

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

Attachments

1. Attachment 1 – Map of Proposed SOI Amendments
2. Attachment 2 – Draft LAFCO Resolution - CCCSD and MVSD SOI Amendments

LAFCO No. 13-05 - Reorganization 182 & 2013-01: Central Contra Costa Sanitary District and Mt. View Sanitary District SOI Amendments



SPHERE OF INFLUENCE RESOLUTION NO. 13-05

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND MODIFYING THE SPHERES OF INFLUENCE
 OF CENTRAL CONTRA COSTA SANITARY DISTRICT AND
 MT. VIEW SANITARY DISTRICT (CCCSD Annexation No. 182)

WHEREAS, a proposal to modify the spheres of influence (SOIs) of the Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD) was 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, 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, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

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

1. The matter before the Commission is the proposed amendments to the SOIs of CCCSD and MVSD totaling 18.2± acres located on Kendall Court and Northridge Road in the City of Martinez.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, finds the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
3. The CCCSD and MVSD SOIs are hereby modified in the areas as shown on the attached map (Exhibit A).
4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands.

Approximately 18.2± acres are deleted from MVSD's SOI, and the corresponding 18.2± acres are added to CCCSD's SOI in order to correct boundary and service irregularities and to facilitate the future annexation of the properties to CCCSD (Annexation No. 182).

The SOI areas are located on Kendall Court and Northridge Road in the City of Martinez and are zoned rural residential (minimum lot size 40,000 sq. ft., 0-6 units/gross acre). There are no current Williamson Act Land Conservation Agreements within the project site.

The proposed SOI amendments will facilitate no changes in land use.

The present and probable need for public facilities and services in the area.

Currently, the area includes six single family residential units and three vacant parcels. There is a present and probable need for wastewater facilities and services to serve the subject area.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 33.2 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd.

CCCSD has sufficient capacity to accommodate dry and wet weather sewer flows from the proposed SOI amendment.

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 primary social or economic communities of interest include the Martinez community and the CCCSD customer base. The SOI amendments are consistent with the City of Martinez General Plan, and would reflect logical adjustments to the CCCSD and MVSD boundaries.

The nature, location, and extent of any functions or classes of services provided by the existing districts.

CCCSD provides wastewater collection, treatment, and disposal services for Danville, Lafayette, Moraga, Orinda, Pleasant Hill, and Walnut Creek, as well as a portion of Martinez and San Ramon and unincorporated areas within central Contra Costa County. CCCSD also provides wastewater treatment for the cities of Concord and Clayton, and is a partner in the Household Hazardous Waste Collection Facility (HHWCF) that serves the central portion of the county.

MVSD provides wastewater collection, treatment, and disposal services for the central portion of the City of Martinez and adjacent unincorporated lands to the northeast. The District collaborates with CCCSD to provide a permanent HHWCF and disposal services for the central portion of the county. MVSD has a franchise agreement with Allied Waste (parent company to Pleasant Hill Bayshore Disposal) for Allied Waste to provide trash collection, recycling, and disposal services within the unincorporated area of MVSD's boundaries.

* * * * *

PASSED AND ADOPTED THIS 10TH day of July 2013, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

FEDERAL GLOVER, 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 10, 2013

Lou Ann Teixeira, Executive Officer