

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

November 12, 2014
Agenda Item 6

November 12, 2014 (Agenda)

LAFCO 13-04: Bayo Vista Housing Authority Annexation to Rodeo Sanitary District (RSD)

PROPONENT: RSD by Resolution No. 2011-02 adopted April 12, 2011

ACREAGE & LOCATION The applicant proposes to annex 33± acres (numerous parcels) located south of San Pablo Ave at the northeastern edge of RSD's existing boundary, along with a narrow strip of land located north of San Pablo Ave, and south of the railroad tracks (see Attachment 1).

SYNOPSIS

The District filed an application with LAFCO to annex the properties to RSD. The proposed annexation is primarily a boundary clean-up as a result of the LAFCO Municipal Service Review (MSR). RSD has provided sewer service to most of the subject area since the 1940s when the property housed Mare Island military personnel. Today, the subject territory includes the Bayo Vista Housing Authority complex comprised of 52 multi-family, low-income housing units (south of San Pablo Ave), already served by RSD; along with residential apartments and several small businesses (north of San Pablo Ave), where no sewer service exists.

DISCUSSION

The Government Code sets forth factors the Commission is required to consider in evaluating a proposed boundary change as discussed below (Gov. Code §56668). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence (SOI) of Any Local Agency:

The area proposed for annexation is within RSD's SOI as approved by the Commission in July 2013, and is within the County Urban Limit Line; all parcels are located in the unincorporated community of Rodeo.

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

The County General Plan designations for the area include Multi-Family – High Density (MH), Light Industrial (LI), Public/Semi-Public (PS), and Downtown/Waterfront Rodeo (M-2). The County's zoning designation for the area is Planned Unit (P-1). No changes are proposed to the General Plan or zoning designations as part of this proposal.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation agreements. The annexation will have no effect on agricultural lands.

4. Topography, Natural Features and Drainage Basins:

The annexation and surrounding areas are characterized by gently rolling, grassy hillsides with occasional rock outcroppings. To the northwest of the annexation area is the San Pablo Bay. Areas south and west of annexation area are relatively flat and characterized by residential development. Areas to the east and north contain the Union 76 refinery and operations.

5. Population:

The annexation area includes 52 multi-family housing units, along with residential apartments and several small businesses. No development is proposed in conjunction with this annexation; no increase in population is anticipated.

6. Fair Share of Regional Housing:

LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments (Gov. Code §56668). The proposed annexation will have no effect on regional housing needs.

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

The properties proposed for annexation are served by various local agencies including, but not limited to, Contra Costa County, Rodeo-Hercules Fire District, and East Bay Municipal Utility District (EBMUD).

As previously noted, RSD has provided sewer service to the annexation area for many years. The proposal to annex the area is simply a boundary clean-up; no new services are proposed.

RSD currently serves a population of over 8,000 residents in a 1.4 square-mile service area. RSD's wastewater collection system consists of 25 miles of sewer gravity pipeline, two force mains and two pump stations. RSD serves approximately 2,500 connections. The majority of RSD's system operates with gravity flow and some pumping stations and 1.2 miles of force main. The District's treatment plant capacity is 1.14 million gallons per day (mgd), with a maximum of 3.4 mgd. RSD's wastewater treatment plant provides secondary level treatment for an average daily flow of 550,000 gallons per day.

The District has the ability to serve the annexation area, and has done so for decades.

8. Timely Availability of Water and Related Issues:

The area proposed for annexation is within EBMUD's service boundary. EBMUD provides wholesale water, retail water, wastewater collection and wastewater treatment services for an area of 331± square miles in Contra Costa and Alameda counties, serving nearly 2 million people. Water service includes production, distribution, retail, treatment, recycling and conservation services. Historically, over 90% of EBMUD's water comes from the Mokelumne River watershed; other water sources include local watershed runoff and Central Valley Project (CVP) (Sacramento River).

The proposed annexation will have no effect on water usage, as the area is already being served by EBMUD and no new development is proposed.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate areas 62039, 62033 and 62056. The assessed value for the areas proposed for annexation is \$736,355 (2014-15 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

The District, as Lead Agency, found the project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3)? The LAFCO environmental coordinator concurs with the District's finding.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered inhabited. RSD indicates that less than 100% of the affected landowners/voters have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest) proceedings. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the annexation area(s) have received notice of the November 12 LAFCO hearing.

As of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on November 12, the Commission may waive the protest proceedings. However, if any objection is received at any time prior to or during the hearing, then a protest hearing is required (Gov. Code §56663).

12. Boundaries and Lines of Assessment:

The District serves four 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; an area primarily designated for heavy industrial use west of Crockett; and the Rodeo Marina area.

The areas proposed for annexation are within RSD's SOI and contiguous to the District's service boundary. The proposed annexation would bring into RSD's boundary additional parcels currently receiving sewer service from RSD.

13. Environmental Justice:

LAFCO is required to consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. Disadvantaged Communities

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to MSRs, SOIs, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, the Rodeo area meets the criteria of a DUC. As previously noted, most of the subject area is currently receiving service from RSD.

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 the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3)?
 - B. Adopt this report; approve the attached resolution (Attachment 2); and approve the proposal, to be known as the Bayo Vista Housing Authority Annexation to RSD, subject to the following terms and conditions:
 - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 - 2. That RSD has delivered an executed indemnification agreement providing for RSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

Find that the subject territory is inhabited and that the annexing agency has consented to waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have consented to the annexation. Should LAFCO receive any objection to the annexation from an affected party prior to or during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

Option 2 Adopt this report and DENY the proposal.

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

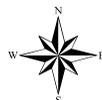
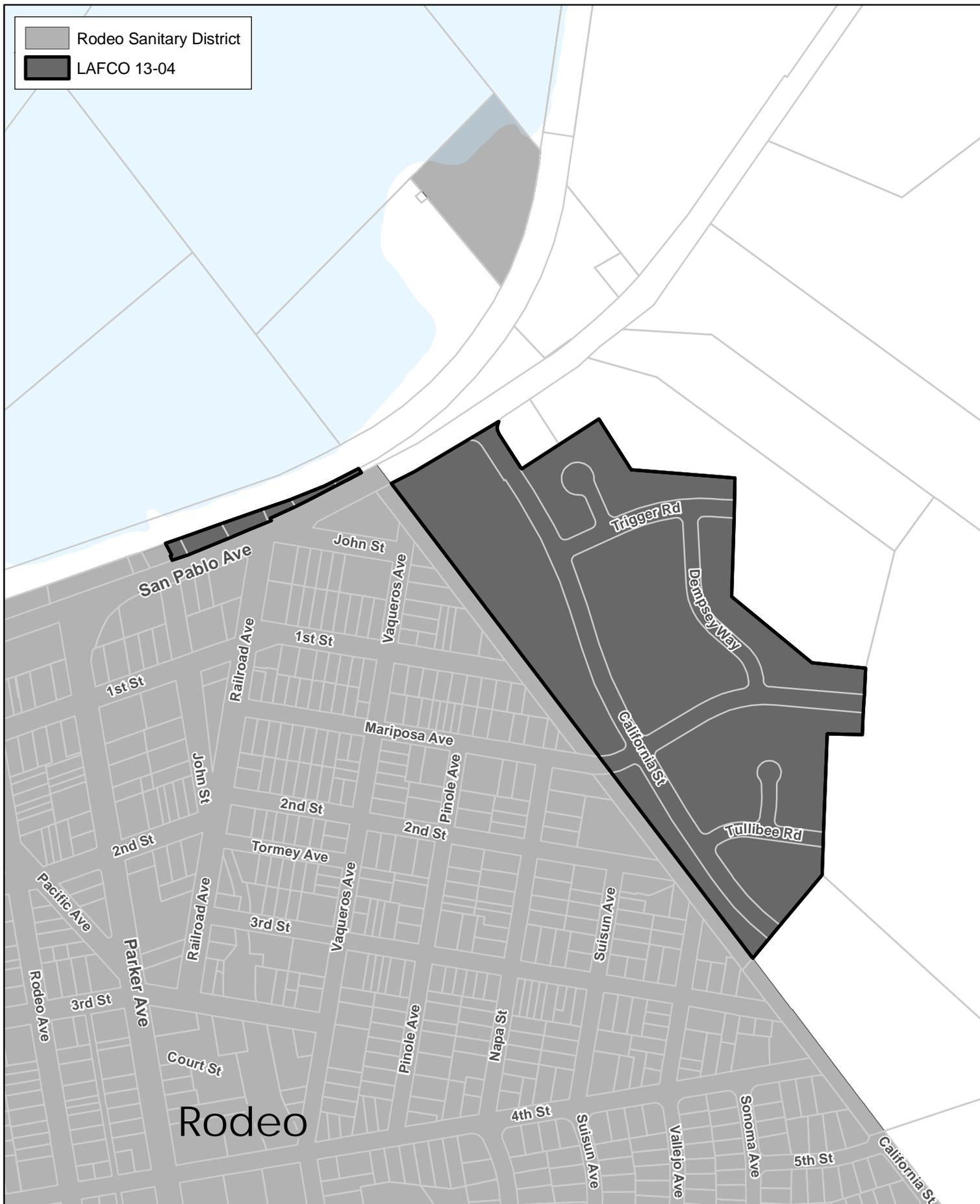
RECOMMENDED ACTION: Approve Option 1.

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

Attachments:

- 1 – Annexation Map
- 2 – Draft LAFCO Resolution

LAFCO 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District



RESOLUTION NO. 13-04

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
BAYO VISTA HOUSING AUTHORITY ANNEXATION
TO RODEO SANITARY DISTRICT**

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 within the annexation area object to the proposal; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the 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 project is categorically exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
2. The annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

BAYO VISTA HOUSING AUTHORITY ANNEXATION TO RODEO SANITARY DISTRICT

4. 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.
5. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
6. That Rodeo Sanitary District (RSD) delivered an executed indemnification agreement between the RSD and Contra Costa LAFCO providing for RSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

Contra Costa LAFCO
Resolution No. 13-04

7. The territory proposed for annexation is inhabited.
8. The proposal has less than 100% landowner/registered voter consent; however, no affected landowners/registered voters opposed the annexation, and 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 12th day of November 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, INTERIM 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: November 12, 2014

Lou Ann Texeira, Executive Officer