

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 12, 2020 (Agenda)

August 12, 2020
Agenda Item 7

LAFCO 20-02 Dunivan Annexation to City of Martinez

APPLICANT Joanne Dunivan, Landowner

SYNOPSIS The landowner proposes to annex one parcel consisting of 10± acres (APN 367-250-017) to the City of Martinez. The parcel is located at 1030 Vaca Creek Road in the Alhambra Valley (unincorporated Martinez) as shown in Exhibit A.

DISCUSSION

Government Code §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, 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 property proposed for annexation is within the City of Martinez SOI. The property was previously bifurcated by the City's Urban Limit Line (ULL). In June 2019, the Martinez City Council approved a General Plan amendment, rezoning and an adjustment to the City's ULL relating to the subject parcel. The City received confirmation from the Contra Costa Transportation Authority (CCTA) that the City's adjustment to its ULL is consistent with the CCTA's "Measure J" Growth Management Program which allows jurisdictions to undertake non-consecutive adjustments to their ULL of less than 30 acres without voter approval.

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

The County General Plan designations for the subject parcel are Agricultural Land (AL) and Open Space (OS) and the zoning designations are General Agriculture (A-2) (5-acre minimum) and Planned Unit (P-1). Land uses to the west, south and east include rural residential and open space to the north.

The City pre-zoned the property Alhambra Valley Agricultural District, 5-acre minimum lot size (AV/A-5). The City's General Plan designation for the parcel is Open Space/Conservation Use Land (CUL) which allows for one single-family residential unit. Existing land uses on the subject parcel includes one single family residential unit and several outbuildings. Access to the property is via Vaca Creek Road. The applicant indicates that there will be no changes to land uses following annexation.

The parcel is an unincorporated peninsula located between two large areas of City of Martinez territory. Annexation would result in a more logical, orderly boundary and enhance municipal services to the property.

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

The subject property contains no prime farmland or land covered under Williamson Act Land Conservation agreements. The applicant indicates there will be no impacts to agriculture and open space lands as a result of annexation.

4. Topography, Natural Features and Drainage Basins:

The subject property slopes from the south to the north with the northern portion of the site having a steep ravine and slopes of approximately 50 percent. There is also a creek on the site. The surrounding area is similar with rolling hills and steep ravines.

Population:

There will be no increase in population as a result of this annexation.

5. Fair Share of Regional Housing:

In its review of a proposal, 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. The proposed annexation will have no effect on regional housing needs.

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

An application for a change of organization or reorganization typically requires a plan for providing services within the affected territory (Gov. Code §56653). The plan shall include the following information and any additional information required by the Commission or the LAFCO Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

A Plan for Providing Services was included with the application. The annexation area is currently served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection District, and the City of Martinez.

The proposal before the Commission is to annex one parcel to the City of Martinez. The City provides a range of municipal services including parks and recreation, police services, roads/drainage, street lighting and water service. Regarding wastewater services, the subject parcel is currently served by an on-site septic system.

The subject parcel currently receives municipal water service from the City of Martinez. Following annexation, other city services as noted above will be available to the subject.

7. Timely Availability of Water and Related Issues:

The subject property receives municipal water services from the City of Martinez. No change in the provision of water service is anticipated.

8. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 76004. The total assessed value for the annexation area is \$229,188 (2019-20 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The County and City will rely on the master tax transfer agreement for this annexation.

9. Environmental Impact of the Proposal:

The City of Martinez found the proposed annexation of the subject parcel exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15319(b) and has prepared a Notice of Exemption. The LAFCO Environmental Coordinator has reviewed the City's CEQA documentation and finds it adequate for LAFCO purposes.

10. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there is one registered voter in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited. The landowner is the applicant to LAFCO and consents to the proposed annexation. The City of Martinez indicates it is willing and able to serve the subject area. If the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the August 12, 2020 LAFCO hearing.

11. Boundaries and Lines of Assessment:

The annexation area is within City of Martinez's SOI and contiguous to the City's boundary. A map and legal description to implement the proposed boundary change were submitted and are subject to approval by the County Surveyor.

12. Environmental Justice:

LAFCO is required to consider the extent to which a change of organization or reorganization proposal 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.

13. Disadvantaged Communities:

In accordance with state law, 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 Municipal Service Reviews, SOI reviews/amendments, 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 Department of Conservation and Development, the area proposed for annexation is not a DUC.

14. Comments from Affected Agencies/Other Interested Parties

No comments were received from other affected agencies or parties.

15. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals/targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs) and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. The area proposed for annexation is not within a PCA or a PDA; however, the proposed annexation does not appear to conflict with the regional transportation or growth plans.

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 the annexation as proposed.

- A. Find that the project is exempt pursuant to section 15319(b) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Adopt this report, approve LAFCO Resolution No. 20-02 (Exhibit B), and approve the proposal, to be known as *Dunivan Annexation to City of Martinez* 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. The applicant/landowner has delivered an executed indemnification agreement providing for the applicant/landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, the subject landowner consents to the annexation; thus, the conducting authority (protest) proceedings are hereby waived.

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:

Option 1 – Approve the annexation as proposed.

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

Exhibit

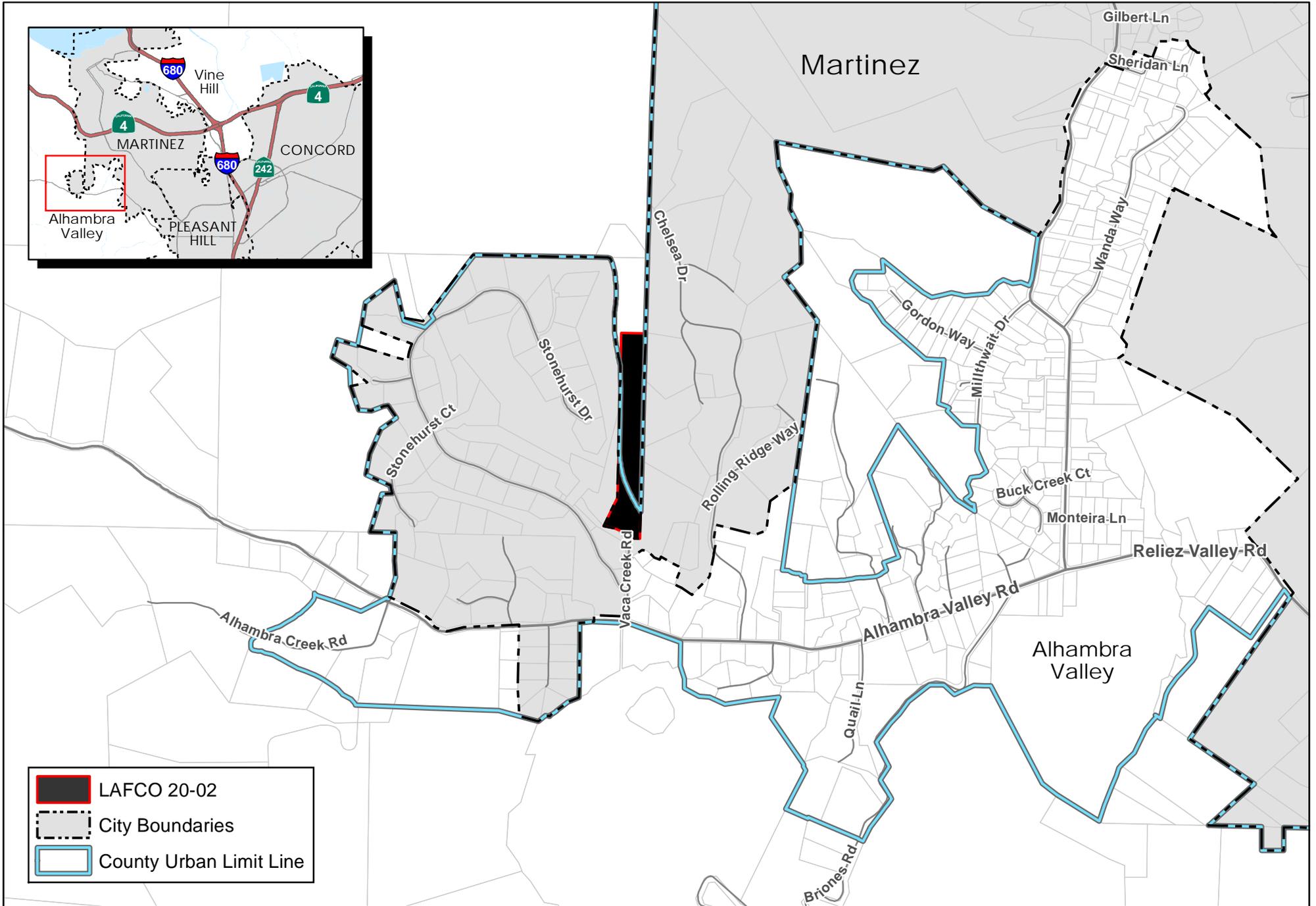
A – Dunivan Annexation Map

Attachment

1 – Draft LAFCO Resolution 20-02

c: Joanne Dunivan, Applicant/Landowner
Christina Ratcliffe, Community and Economic Development Director, City of Martinez
Margaret Kavanaugh-Lynch, City Planner, City of Martinez

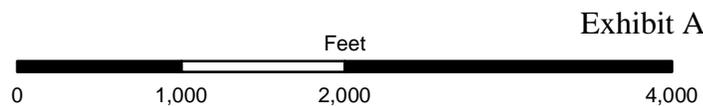
LAFCO No.20-02 Dunivan Annexation to City of Martinez



-  LAFCO 20-02
-  City Boundaries
-  County Urban Limit Line

Map created 04/27/2020
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



RESOLUTION NO. 20-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
DUNIVAN ANNEXATION TO CITY OF MARTINEZ**

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, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; 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 Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, at a public hearing held on August 12, 2020, 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, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the City's boundary, and related factors and information including those contained in Gov. Code §56668; 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 interest 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. Find that the project is exempt pursuant to section 15319(b) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
2. The landowner/applicant has delivered to LAFCO an executed indemnification agreement providing for the landowner/applicant to indemnify LAFCO against any expenses arising from any legal actions to challenging the annexation, and
3. The annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:
DUNIVAN ANNEXATION TO CITY OF MARTINEZ
5. The boundaries of the affected territory, including one parcel, are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

Contra Costa LAFCO
Resolution No. 20-02

6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
7. That landowner/applicant delivered an executed indemnification agreement between the landowner/applicant and Contra Costa LAFCO providing for the landowner/applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
8. The territory proposed for annexation is uninhabited.
9. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
10. 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 August 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CANDACE ANDERSEN, 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: August 12, 2020

Lou Ann Texeira, Executive Officer