

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

March 9, 2022 (Agenda)

March 9, 2022  
Agenda Item 8

LAFCO 21-12 Annexation to the Mt. View Sanitary District (MVSD) – 2984 & 2994 Upton Road located in the City of Martinez

APPLICANT Branon Long, Landowner

SYNOPSIS This is an application to annex two parcels (APNs 162-142-005 and -006) to MVSD. The parcels total 2.59± acres and are located in the City of Martinez - see Exhibit A.

The purpose of the proposal is to allow for the extension of municipal wastewater services to the properties. There is one single family residential unit on each parcel. No new construction is proposed. The applicant reports that the existing septic systems on the subject parcels have failed.

DISCUSSION

Government Code (GC) §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 area proposed for annexation is within the SOI of MVSD.

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

The City of Martinez General Plan designation for the parcels is R-06 (0 to 6 units/gross acre) and the City's zoning designation is RR-40 (Rural Residential – minimum lot size 40,000 sq. ft.). No changes to land use designations are proposed. The subject parcels are located within the voter approved Urban Limit Line.

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

The subject parcels are located in a residential neighborhood surrounded to the north, south, east and west by residential development. There is no "agricultural land" (GC §56016), "prime agricultural land" (GC §56064), or land under a Williamson Act Land contract in the subject area.

4. **Topography, Natural Features and Drainage Basins:**

The subject area is flat with rolling hills in the surrounding areas.

5. **Population:**

The average household size in the City of Martinez is 2.56, with an average family size of 3.12. No population increase is anticipated with the extension of wastewater services to the two existing homes. (Data source: US Census Bureau American Community Survey, 5-year estimates 2015-2019)

6. **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. No new housing is proposed with this annexation.

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

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is

included with the application. The plan shall include all the following information and any additional information required by the Commission or the 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.

The annexation area is currently served by various local agencies including, but not limited to, City of Martinez, Contra Costa County Fire Protection District, and Contra Costa Water District.

MVSD provides wastewater collection, treatment, and disposal services for the central portion of the City of Martinez and adjacent unincorporated lands to the northeast, including the Mt. View area, serving approximately 21,000 residents within 4.7± square miles. The District's wastewater collection system consists of 73 miles of sewer mains and four pump stations serving approximately 8,300 connections.

District staff reports that connections for the two parcels will be made to an existing public sewer main in Upton Road. The anticipated demand is approximately 150 gallons per day per lot.

The District collaborates with the Central Contra Costa Sanitary District to provide a permanent Household Hazardous Waste Collection facility 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.

MVSD staff indicates they have the capacity to collect, convey, treat, and dispose of wastewater from these two parcels.

## **8. Timely Availability of Water and Related Issues:**

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities, and improvements.

Regarding **water service**, the City of Martinez provides water treatment and distribution services to the subject parcels. Contra Costa Water District (CCWD) provides the untreated water supply to the City. CCWD operates and maintains the Martinez Terminal Reservoir that is owned by the United States Bureau of Reclamation.

## **9. Assessed Value, Tax Rates, and Indebtedness:**

The annexation area is within tax rate area 05032. The assessed value for the annexation area is \$1,194,780 (2021-22 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agency.

## **10. Environmental Impact of the Proposal:**

MVSD, as Lead Agency, found the project exempt pursuant to the California Environmental Quality Act, California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing*

*Facilities and Lots for Exempt Facilities.* The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

**11. Landowner Consent and Consent by Annexing Agency:**

The landowner is the applicant and consents to the proposed annexation. MVSD issued a will serve letter consenting to the proposed annexation and indicating that the District has capacity to collect, convey, treat, and dispose of wastewater from the subject parcels.

All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent notice of the LAFCO hearing. As of this writing there were no objections to the proposed annexation. Thus, if the Commission approves the annexation, the Commission shall waive the protest hearing (Gov. Code §56662).

**12. Boundaries and Lines of Assessment:**

The annexation area is within MVSD's SOI. A map and legal description to implement the proposed annexation have been received and are subject to final approval by the County Surveyor.

**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 State legislation, 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 annexation area does not meet the criteria of a DUC.

**15. Comments from Affected Agencies/Other Interested Parties:**

As of this writing, LAFCO has received no comments from local agencies or surrounding landowners or registered voters.

**16. 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)]. The Commission may also 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 sub regional basis (Gov. Code §56668.5). LAFCO considers consistency of a 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, primarily from transportation. In October 2021, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted *Plan Bay Area 2050* - a regional long-range plan charting a course for a Bay Area that is affordable, connected, diverse, healthy and vibrant for all residents through 2050 and beyond. *Plan Bay Area*

2050 connects the elements of housing, economy, transportation, and environment through strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. The Implementation Plan identifies over 80 specific actions for MTC, ABAG, and partner organizations to take over the next five years to address the 35 strategies. The proposed annexation does not conflict with the strategies outlined in *Plan Bay Area 2050*.

### ALTERNATIVES FOR COMMISSION ACTION

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

#### **Option 1** Approve the annexation as proposed.

- A. Find, as a responsible agency, that the proposed annexation of the subject parcels to MVSD is exempt from the California Environmental Quality Act, pursuant to California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing Facilities and Lots for Exempt Facilities*.
- B. Adopt this report, approve LAFCO Resolution No. 21-12 (Attachment 1), and approve the proposal, to be known as *Annexation to Mt. View Sanitary District – 2984 & 2994 Upton Road – 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. 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: Approve Option 1

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

#### Exhibit

Annexation Map – Exhibit A

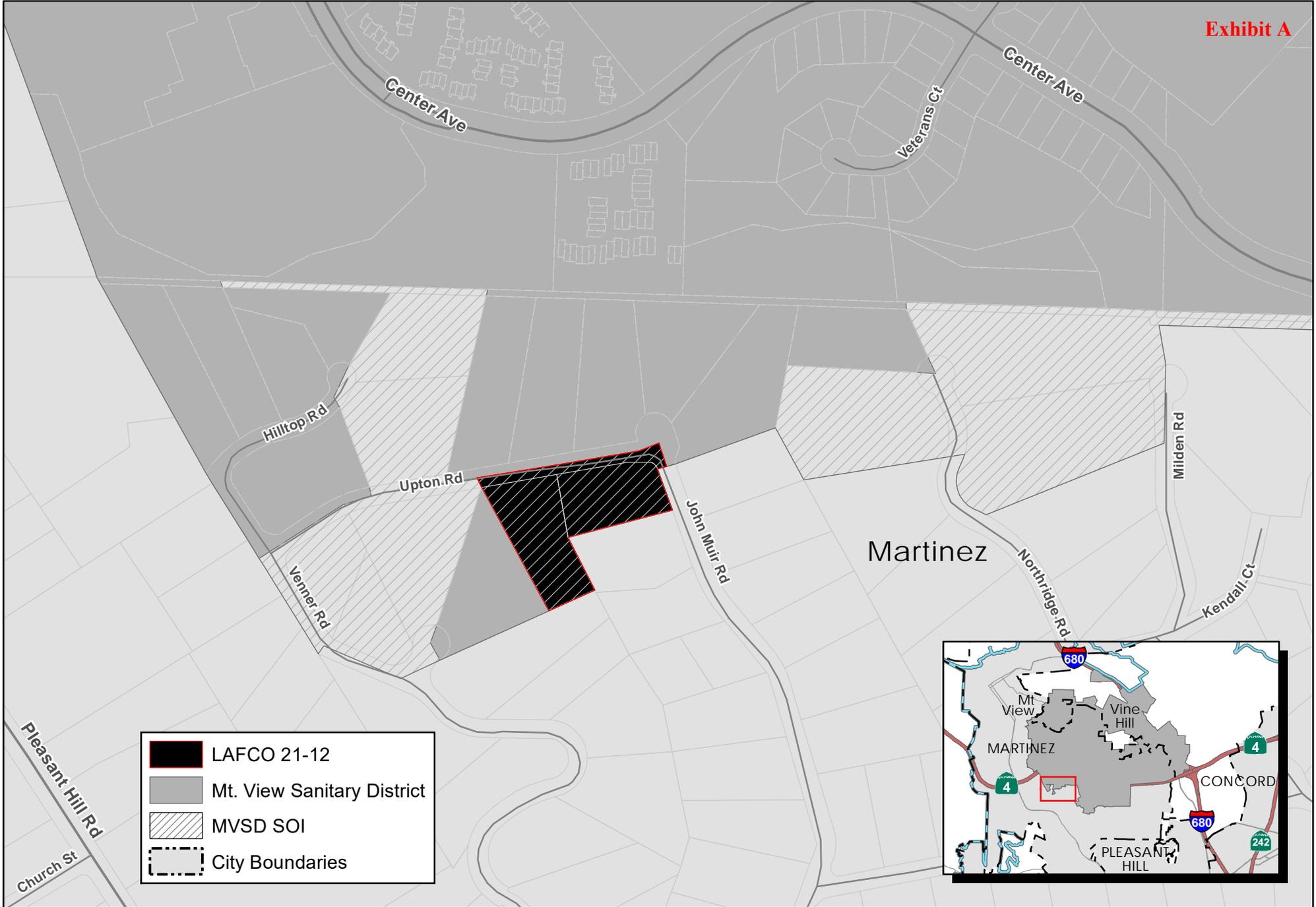
#### Attachment

1 – Draft LAFCO Resolution 21-12

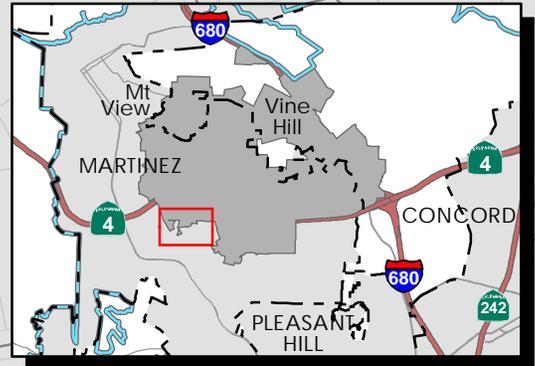
c: Branon Long, Landowner  
Lilia Corona, District Manager, MVSD  
Chris Elliott, District Engineer  
John Mellar, Aliquot Associates Inc.  
Denise Gray, Administrative Services Manager/CFO, MVSD  
Peter Wollman, P.L.S., LCC Engineering and Surveying, Inc.

# LAFCO 21-12 Annexation to Mt. View Sanitary District (MVSD) – 2984 & 2994 Upton Road

**Exhibit A**



	LAFCO 21-12
	Mt. View Sanitary District
	MVSD SOI
	City Boundaries



Map created 02/09/2022  
 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.

Feet

0
400
800
1,600

**RESOLUTION NO. 21-12**  
**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**MAKING DETERMINATIONS AND APPROVING ANNEXATION TO MT. VIEW**  
**SANITARY DISTRICT – 2984 & 2994 UPTON ROAD – MARTINEZ**

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

**WHEREAS**, the Executive Officer 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 gave notice of the Commission’s consideration of the proposal; and

**WHEREAS**, the Executive Officer 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 March 9, 2022, 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 recommendations, the environmental document and determination, applicable General and Specific Plans, consistency with the spheres of influence, 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 subject 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; and

**WHEREAS**, the applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the annexation.

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

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, the Commission finds the proposed annexation is categorically exempt from CEQA pursuant to California Code of Regulations Title 14, Article 19, Section 15319(b) – *Annexations of Existing Facilities and Lots for Exempt Facilities*, which is consistent with the determination of Mt. View Sanitary District, the Lead Agency under CEQA.
2. Annexation to Mt. View Sanitary District of 2.59± acres to extend wastewater services to the subject parcels is hereby approved.

3. The subject proposal is assigned the following distinctive short-form designation:  
**ANNEXATION TO MT. VIEW SANITARY DISTRICT – 2984 & 2994 UPTON ROAD - MARTINEZ**
4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject area shall be liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agencies.
6. The subject area is uninhabited pursuant to Gov. Code §56079.5.
7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
8. All subsequent proceedings in connection with these annexations shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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PASSED AND ADOPTED THIS 9<sup>th</sup> day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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: March 9, 2022

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Lou Ann Texeira, Executive Officer