

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 10, 2008 (Agenda)

LAFCO 08-25: Annexation 171 to Central Contra Costa Sanitary District (CCCSD)

PROPONENT: CCCSD by Resolution No. 2008-019 adopted January 17, 2008

ACREAGE &
LOCATION

Annexation of 54.7± acres located in seven areas in Danville, Lafayette, Martinez and Orinda as generally described below:

Area 171-1: 25 new subdivision lots on Tassajara Lane, Summit View Lane, and Ironstone Court in Danville (21.8± acres)

Area 171-2: three existing lots on Lomas Cantadas in the El Toyonal area of Orinda (3.5± acres)

Area 171-3: eight parcels including seven improved lots on Echo Spring Road in Lafayette (part of the Echo Spring contractual assessment district CAD 2001-2) (8.6± acres)

Area 171-4: six parcels, including one partial parcel comprised of five lots on Pleasant Hill Road East, Alhambra Way, and Hayward Court in Martinez (2.9± acres)

Area 171-5: five parcels including one partial parcel on Venner Road and John Muir Road in Martinez (4.4± acres)

Area 171-6: 14 parcels including two partial parcels on Ramon Court and Danville Blvd. in Danville (8.0± acres)

Area 171-7: 14 properties on Tassajara Lane, Cross Bridge Drive, and Sarah Court in Danville (5.5± acres)

SYNOPSIS

CCCSD, on behalf of the property owners, filed an application with LAFCO to annex the properties to CCCSD. The purpose of the annexation is to extend sanitary sewer service to the various parcels. A majority of affected landowners filed petitions with CCCSD requesting annexation. The properties are a combination of existing single-family dwelling units converting from septic systems to municipal wastewater service, construction of new single family units to be connected to the CCCSD municipal system, and parcels being included to eliminate islands and provide for logical service boundaries.

DISCUSSION

The CKH Act sets forth factors that the Commission is required to consider in evaluating any proposed change of organization or reorganization as discussed below (Gov. Code Section 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 of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI.

The areas proposed for annexation are within CCCSD's SOI and within the County Urban Limit Line. All parcels are located within existing city boundaries.

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

The General Plan and zoning designations for the affected parcels and surrounding territory, along with general topography are shown in Table 1 (attached).

All of the annexation areas are zoned for residential development. Areas 171-2, 171-3 and 171-7 contain undeveloped land with potential for additional single-family residential units, in accordance with existing land use and zoning designations.

No changes are proposed to zoning or General Plan 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.

4. Topography, Natural Features and Drainage Basins:

The topography of the affected and surrounding parcels is summarized in Table 1 (attached).

5. Population:

The total estimated population increase is approximately 84 persons. This is primarily attributable to current and future construction of new homes in Areas 171-1 and 171-7.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal 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.

Area 171-1 allows construction of up to 22 new single family dwelling units; area 171-7 allows construction of up to 13 new single family units. Both of these developments are within the Town of Danville, which provides development options to meet the Town's need for affordable housing. In both project areas, the developers have opted to provide inclusionary second units, including nine units in Area 171-1 and four units in Area 171-7 to assist in meeting local affordable housing needs.

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

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan

for providing services within the affected territory. The plan shall include all of 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 "Plan for Providing Services within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The properties proposed for annexation are served by various municipalities and agencies including, but not limited to, the cities of Danville, Lafayette, Martinez and Orinda, Contra Costa County Fire Protection District, San Ramon Valley Fire Protection District, Moraga-Orinda Fire Protection District, Contra Costa Water District, and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex the properties to CCCSD for the provision of sanitary sewer service, including collection, treatment and disposal.

CCCSD currently serves an estimated population of 314,000 residents in a 142-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 18 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 gravity flow.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 36.1 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted capacity of 53.8 mgd.

The areas proposed for annexation would extend service to 68 existing and potential residential units, and is estimated to generate approximately 15,300 gallons of wastewater per day.

CCCSD indicates that most of the properties proposed for annexation can be served by existing CCCSD facilities, as summarized in the table below.

Annexation Area	Existing/Planned Sewer Facilities
171-1 (25 parcels)	Minimum size 8" public sewer main serves the property. Minimum size (4" diameter) private sewer connection was completed in April 2008 to serve three parcels; 4" private sewer lines are planned to serve remaining future residential units; three parcels are common areas, open space and private roadway and will not require sewer service.
171-2 (3 parcels)	Minimum size 8" public sewer main and minimum size (4" diameter) private sewer lateral serve one parcel. Minimum size 8" public sewer main is adjacent to one parcel currently on septic, and adjacent to a vacant parcel. The future private sewer laterals for these two parcels will be minimum size.
171-3 (8 parcels)	Minimum size 8" public sewer main serves five parcels and is adjacent to three parcels. Minimum size (4" diameter) private sewer connections were completed in

	October 2004, August 2007, and April 2008 to serve five parcels. Future private sewer laterals to serve remaining parcels will be minimum size.
171-4 (6 parcels including one partial)	One parcel has access to an existing trunk manhole; future private sewer lateral will be minimum size. Minimum size 8" public sewer main serves the remaining parcels; existing and future private sewer laterals are/will be minimum size.
171-5 (5 parcels including one partial parcel)	Minimum size 8" public sewer main serves the parcels; existing and future private sewer laterals are/will be minimum size.
171-6 (14 parcels including two partial parcels)	One parcel has access to an existing trunk manhole; future private sewer lateral will be minimum size. One parcel is included in the proposed annexation to allow for logical boundary. Minimum size 8" public sewer main currently serves seven parcels; existing and future private sewer laterals are/will be minimum size. Remaining parcels have applied to extend sewer service with minimum sewer mains and lateral lines.
171-7 (14 parcels)	Minimum size 8" public sewer main currently serves seven parcels; existing private sewer laterals are minimum size. One parcel (roadway) will not require service and is included for logical boundary purposes. Remaining parcels have applied to extend sewer service with minimum sewer mains and lateral lines.

With regard to infrastructure and improvements, CCCSD indicates that all gravity mains required to serve the affected parcels will be 8-inch diameter, which is CCCSD's minimum for such mains. All laterals will be 4-inch diameter, which is CCCSD's minimum for gravity laterals, or 1-1/4- to 2-inch diameter pump laterals, which is CCCSD's minimum for pump laterals, depending on the specific pump type installed.

With regard to funding, all capital costs including any required sewer main extensions, along with connections fees, will be borne by the property owners. CCCSD funds the maintenance of all sewers through its annual sewer service charge.

8. Timely Availability of Water and Related Issues:

Most parcels within areas 171-1, 171-2, 171-3, 171-6 and 171-7 receive water service through East Bay Municipal Utility District (EBMUD), whose primary source of water is the Mokelumne River. EBMUD serves a population of over 1.3 million, with nearly 400,000 water customers. EBMUD's average dry weather flow is 65 million gallons per day. There are two parcels within these areas that do not require water service: APN 207-061-053 (roadway) and APN 200-110-016 (riparian).

Areas 171-4 and 171-5 receive water service through the City of Martinez. The City's sole source of water supply is untreated water purchased from the Contra Costa Water District. The City's water treatment facilities have a total filtration capacity of 14.7 mgd; average daily water use (2006) was 5.2 mgd.

CCCSD indicates that the proposed annexation would have a minor effect on water usage, and would not lead to the construction of new or expansion of existing water facilities.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation areas, tax rate areas and assessed valuations (2007-08 roll) are shown below:

Annexation Area	Tax Rate Area	Assessed Value
171-1 and 171-7	16001	\$15,164,092 (171-1) \$11,977,040 (171-7)
171-2	18003	\$156,566
171-3	14025	\$3,698,440
171-4 and 171-5	05032	\$1,049,153 (171-4) \$768,810 (171-5)
171-6	16016	\$6,595,617

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:

As Lead Agency, CCCSD found that the proposed annexation of each property within the seven areas is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).

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.

CCCSD indicates that less than 100% of the affected landowners/voters have consented 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 area(s) have received notice of the December 10 hearing.

If no written protest is received from an affected party prior to the conclusion of the hearing on December 10, the Commission may waive the protest proceedings. However, if written protest 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 annexation areas are within CCCSD's SOI and are contiguous to existing CCCSD boundaries. The recently completed *Central County Water/Wastewater Municipal Services Review* (MSR) provided an assessment of CCCSD services. The report noted that CCCSD is serving an estimated 180 parcels that are outside its current boundaries; and there are a number of small islands surrounded by the District and within its SOI. The MSR discusses annexing parcels receiving out of agency service, as

well as islands and areas where there are concerns due to failing septic systems and related public health issues, as appropriate. The proposed annexation would bring into CCCSD a number of parcels currently receiving out of agency service, and would clean up several pockets and islands.

In addition, Area 171-4 includes annexation of a partial parcel (APN 162-242-009). As confirmed by the County Assessor, the remainder of this parcel is already within the CCCSD boundary. Thus, inclusion of this partial parcel will bring the remaining portion into the CCCSD boundary.

13. Environmental Justice:

Beginning January 1, 2008, Government Code §56668(o) requires that LAFCO 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.

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 Central Contra Costa Sanitary District, as Lead Agency, has found the proposed annexation of Areas 171-1, 171-2, 171-3, 171-4, 171-5, 171-6 and 171-7 to be categorically exempt pursuant to CEQA Guidelines Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).
- B. Adopt this report and approve the proposal, to be known as Annexation 171 to the Central Contra Costa Sanitary District, 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. Prior to recordation, CCCSD shall deliver an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is inhabited and that the annexing agency has consented waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have provided written consent to the annexation. Should LAFCO receive any written protest to the annexation from an affected party prior to or during the public hearing, then a subsequent protest hearing is required. Should no written 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.

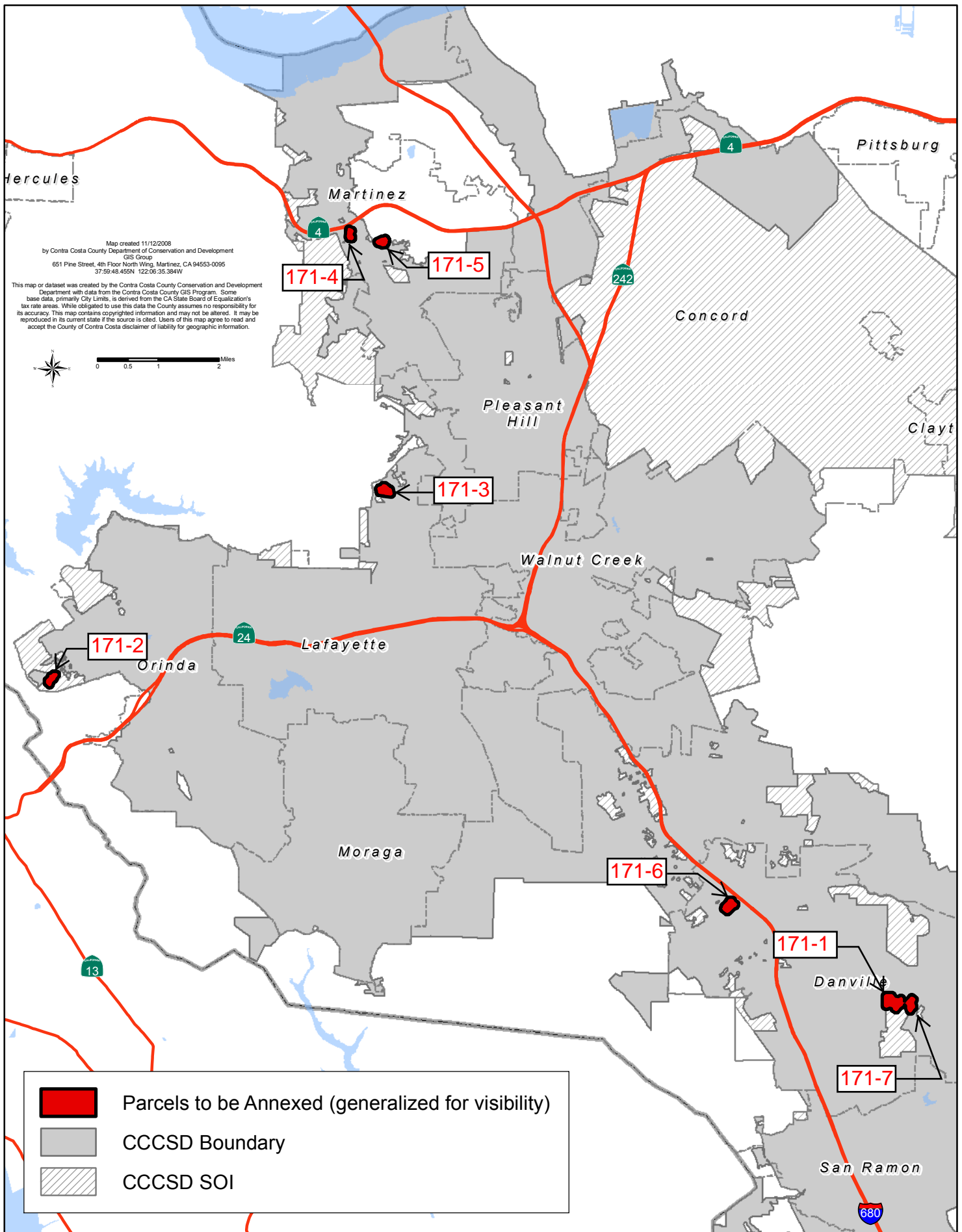
LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

Table 1 – Summary of Land Uses and Topography

Number of parcels/ acres/ location	Annex Area	Current Land Use	General Plan (GP)	Zoning	Surrounding GP Designations	Surrounding Zoning	Topography Affected Parcel	Topography Surrounding Area
25 parcels (21.8 acres) Danville	171-1	new single-family home sites and common area	Country Estates (one dwelling unit/acre)	P-1	E – OS W – OS/RR N - SFL S – RR	E – P-1 W – P-1/ R-20 N –P-1/ R-6 S – R-100	steep, grassy hills with trees, ridgeline running northwest to southwest, parcels drain to Sycamore Creek	similar to annexation area
3 parcels (3.5 acres) Orinda	171-2	two existing single family homes, one vacant parcel (developable)	SFR (1-2 units/acre)	RL-20	All – SFL	All – RL-20	steep, hillside; several large trees	similar to annexation area
8 parcels (8.6 acres) Lafayette	171-3	single family homes; one vacant lot (developable)	R-40	SFR (1-2 units/acre)	E – SFR W – OS N – OS/SFR S – SFR	E – R-40 W - LR N – LR/R-40 S – R-40	steep hillside; dense native trees; lots are in a small valley, sloping east	similar to annexation area
6 parcels including one partial parcel (2.9 acres) Martinez	171-4	existing single family homes; one vacant lot (undevelopable)	SFR (0-6 units/acre)	R-10 RR-20	All – SFR	E – R-10 W – RR-20 N – R-40 S – R-10 RR-20	relatively flat; trees	similar to annexation area
4 parcels (4.4 acres) Martinez	171-5	existing single family homes; one vacant lot (undevelopable)	SRF (0-6 units/acre) OS	RR-40	All – SRF (0-6 units/acre)	All - RR-40	steep hillside; dense native trees	similar to annexation area
15 parcels (9.8 acres) Danville	171-6	single family homes; one vacant (riparian/ undevelopable)	SFL (1-3 units/acre)	R-20/ Vacant	E – Multi Family W - SFR N - SFR S – SFR	E – R-20 W - R-20 N - R-20 S - R-20	mostly flat; dense trees; adjacent to San Ramon Creek	similar to annexation area
14 parcels (5.5 acres) Danville	171-7	new single-family home sites and common area	R-40/P-1	P-1	E – Country Estates/SFL W – Country Estates/SFL N – SFL/P&R S - Country Estates/SFL	E – P-1/R-20 W – P-1 N – P-1 S – R-100/ R-40	steep, grassy hills with trees, ridgeline running northwest to southeast, parcels drain to Sycamore Creek	similar to annexation area

KEY: LR= Open Space (City of Lafayette) , OS = Open Space, P-1 = Planned Unit Development District, P&R= Park & Recreation, R-6 = Single Family Residential (6,000 sq. ft. or less), R-20 = Residential Low Density (20,000 sq. ft. min), R-40= (20,000 sq. ft. min), R-100= (100,000 sq ft or less), RL-20= Residential Low density (1-2 units/acre), RR= Rural Residential, SFL = Single Family Low Density, SFR = Single Family Residential

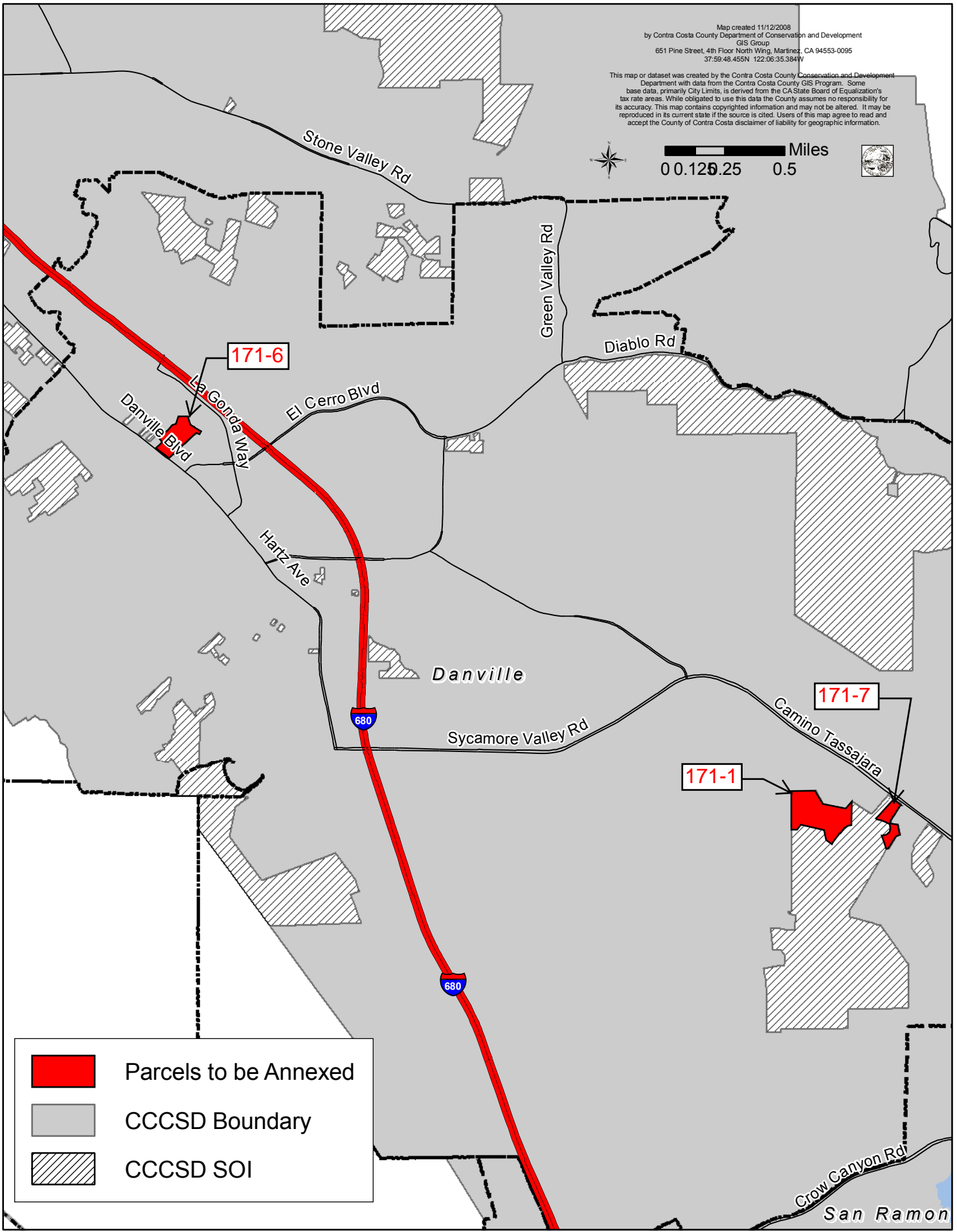
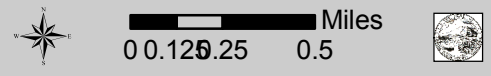
LAFCO No. 08-25--Annexation 171 to Central Contra Costa Sanitary District


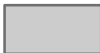



LAFCO No. 08-25--Annexation 171 to Central Contra Costa Sanitary District

Map created 11/12/2008
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651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
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-  Parcels to be Annexed
-  CCCSD Boundary
-  CCCSD SOI

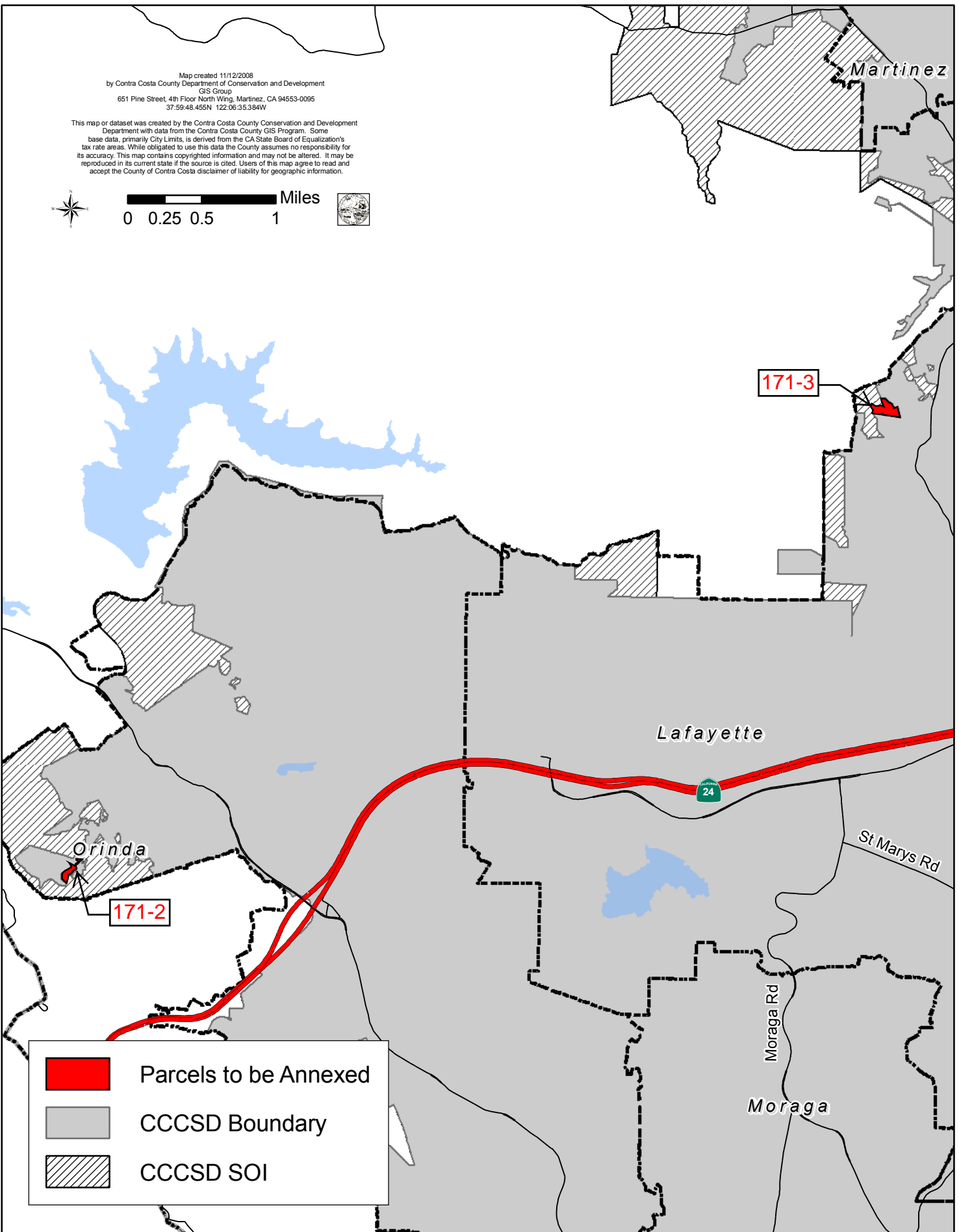
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0 0.25 0.5 1 Miles



	Parcels to be Annexed
	CCCSD Boundary
	CCCSD SOI

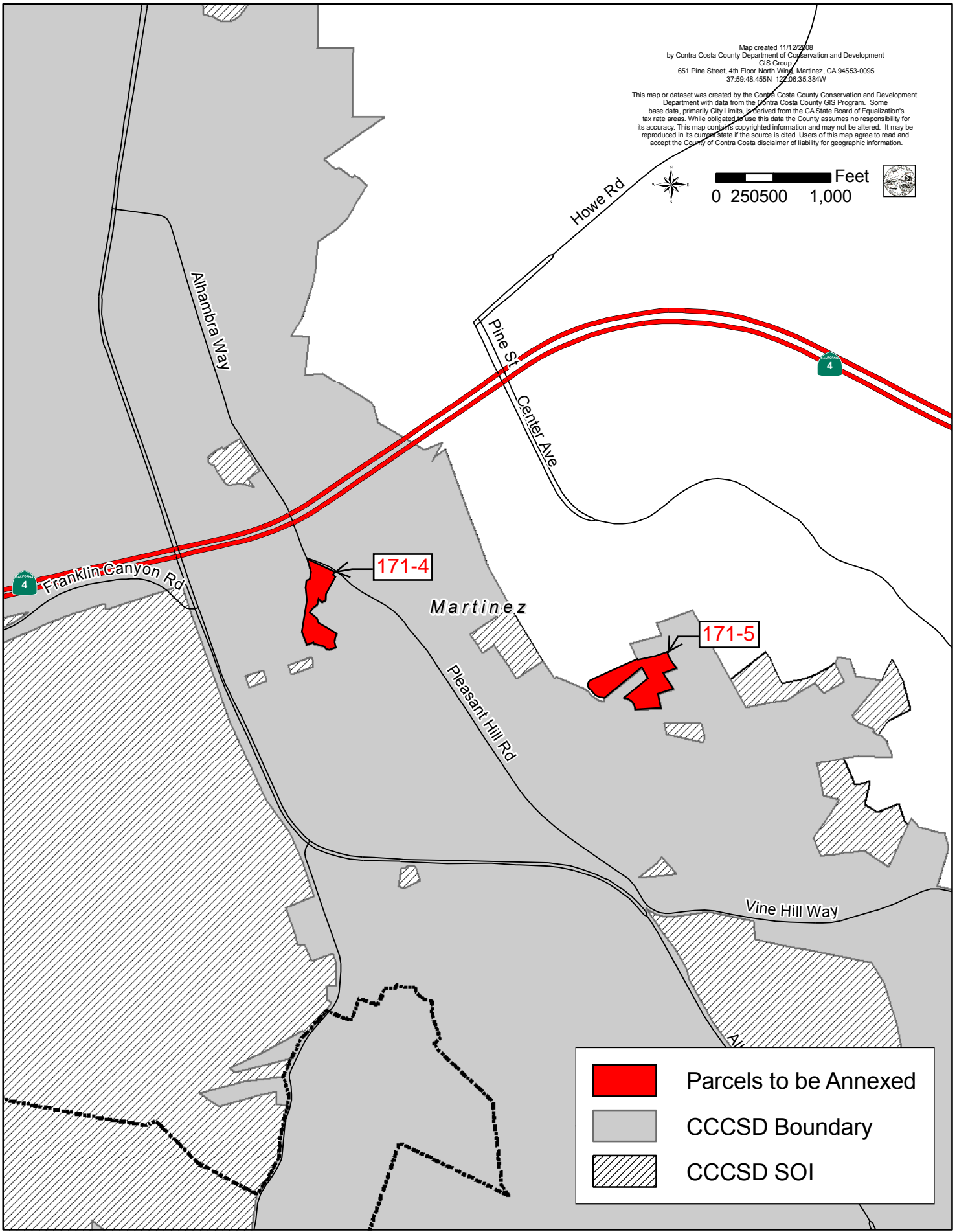
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0 250 500 1,000 Feet



-  Parcels to be Annexed
-  CCCSD Boundary
-  CCCSD SOI

RESOLUTION NO. 08-25

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION 171 TO CENTRAL CONTRA COSTA 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, the proposal has less than 100% consent of affected property owners and registered voters, and is subject to a conducting authority proceeding; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total 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. Determine that Central Contra Costa Sanitary District, as Lead Agency, found the proposed annexation of each property within the seven areas exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 19, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

ANNEXATION 171 TO CENTRAL CONTRA COSTA 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.

Contra Costa LAFCO
Resolution No. 08-03

6. Prior to recordation, CCCSD shall deliver an executed indemnification agreement between the CCCSD and Contra Costa LAFCO providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
7. Said territory is inhabited.
8. Satisfactory proof having been given that no affected landowners/registered voters oppose the annexation, and that 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 10th day of December 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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: December 10, 2008

Lou Ann Texeira, Executive Officer