

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

February 10, 2010 (Agenda)

February 10, 2010  
Agenda Item 6

<u>LAFCO 09-14</u>	Christ Annexation to County Service Area (CSA) L-100
<u>PROPONENT</u>	Randolph and Candi Christ – landowners/petitioners
<u>ACREAGE &amp; LOCATION</u>	Approximately one acre located at 3050 Wilbur Avenue in the unincorporated Antioch area (APN 051-032-013)
<u>PURPOSE</u>	Participate in the countywide street lighting and maintenance program, and to comply with a County condition of approval.
<u>SYNOPSIS</u>	

This is a proposal to annex territory into CSA L-100. A condition of approval of the land use permit requires annexation to CSA L-100, which provides street lighting services in the unincorporated area. The site is within the District's sphere of influence and inside the County Urban Limit Line.

PROPOSAL INFORMATION:

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

The property proposed for annexation houses a commercial retail facility used for distribution of motor vehicle fuel and automobile/commercial lubrication. The applicant applied to the County to establish a commercial fueling facility with retail and storage uses. As a condition of the County's approval, the applicant is required to annex to CSA L-100.

The General Plan and zoning designations for the parcel are Heavy Industrial. The surrounding land uses include heavy industrial to the east, west and north; and open space (City of Antioch) to the south. The proposed uses are consistent with the County zoning and land use designations.

2. Topography, Natural Features and Drainage Basins:

The property proposed for annexation is flat, with no significant natural features. There is a vineyard to the east of the project site.

3. Population:

The project will result in no increase in population.

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

The plan for providing services within the affected territory, as required by Government Code §56653, is on file. The level and range of services will be similar to those provided by CSA L-100 to developed properties currently within its boundaries.

Maintenance and operations costs will be funded by CSA L-100 property taxes and assessments (parcel tax) levied by the affected properties. The property is expected to pay a special assessment of approximately \$15 per year.

5. Assessed Value, Tax Rates and Indebtedness:

The area is within tax rate area 53053. The assessed value for the property is \$752,126 (2009-10 roll). Overall tax rates will not be changed by the annexation.

6. Environmental Impact of the Proposal:

In 2006, Contra Costa County, as Lead Agency, adopted an Initial Study and Negative Declaration for the underlying land use project. This included analysis of some LAFCO related issues, but did not specifically mention LAFCO or the LAFCO actions. A copy of this document is available for review in the LAFCO office.

The LAFCO Environmental Coordinator reviewed the proposed LAFCO project to determine whether there was a potential for any adverse environmental impacts. It can be seen with certainty that the LAFCO action will have no significant impacts. For this reason, the General Rule Exemption from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) is recommended.

7. Landowner Consent and Registered Voters:

The property owners have given written consent to the boundary change. The annexing agency consents to the waiver of conducting authority proceedings. The territory is uninhabited, as there are fewer than 12 registered voters.

8. Boundaries and Lines of Assessment:

There are no conflicts with lines of assessment or ownership. A map to implement this change has been approved by the County Surveyor.

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 from the California Environmental Quality Act (CEQA).

- B. Adopt this report and approve the proposal, to be known as the Christ Annexation to County Service Area L-100, subject to the following terms and conditions:
1. Determine that the territory being annexed shall be liable for any authorized or existing taxes, assessments and charges comparable to properties presently within the annexing agency.
  2. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have consented to the annexation and 3) the annexing agency has consented to the waiver of conducting authority proceedings.
- D. Waive conducting authority proceedings and direct the staff to complete the proceeding.

**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  
LOCAL AGENCY FORMATION COMMISSION

c: Distribution

RESOLUTION NO. 09-14

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING THE  
**CHRIST ANNEXATION TO COUNTY SERVICE AREA L-100**

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 object to the proposed annexation; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; 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. The Commission determines the project is categorically exempt pursuant to California Environmental Quality Act Guidelines, Section 15061(b)(3).
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

CHRIST ANNEXATION TO COUNTY SERVICE AREA L-100

4. Said territory is found to be uninhabited.
5. 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.
6. 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  
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7. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
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.

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PASSED AND ADOPTED THIS 10<sup>th</sup> day of February 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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MARTIN MCNAIR, 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: February 10, 2010

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Lou Ann Texeira, Executive Officer

# LAFCO No. 09-14: Christ Annexation to CSA L-100

