

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 13, 2010 (Agenda)

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Agenda Item 6

LAFCO 10-05 **Sphere of Influence (SOI) Amendments - Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD)**

PROPONENTS CCCSD – Resolution No. 2010-012 dated March 18, 2010
MVSD – Resolution No. 1253-2010 dated June 10, 2010

ACREAGE & LOCATION The districts propose to adjust their spheres of influence (SOIs) in six separate areas in Martinez (see Exhibits A and B).

PURPOSE: To correct parcel, boundary and service irregularities between the two districts.

SUMMARY

CCCSD and MVSD coordinate on service issues and mutually determine who should serve a new customer based on which District can provide sewer service most efficiently. The districts recently conducted a cooperative review of their respective SOIs and service boundaries, and have identified several areas where boundary and/or service irregularities exist. The districts jointly filed applications with LAFCO to amend their SOIs and service boundaries to correct these irregularities. As shown on the CCCSD map, there are a number of islands within this District's SOI which are not currently proposed for annexation. Several of these areas have no need for sewer service (i.e., Contra Costa Water District tank sites, wetlands, etc.), and other areas will be included in a future annexation as part of CCCSD's ongoing boundary clean-up.

MVSD's boundaries and SOI are contiguous to CCCSD on all sides, since MVSD is an island within CCCSD's service area. MVSD was established in 1923 and serves much of the unincorporated Martinez/Vine Hill/Northern Pacheco area. CCCSD was formed in 1946 and serves areas to the south (Lamorinda, Walnut Creek, Pleasant Hill, etc.). Previously, the City of Martinez had its own sanitary system, but voted to annex to CCCSD in 1968; thus allowing CCCSD to encircle MVSD, which at that time was an adjacent district.

The districts have a long-standing agreement to cooperate on projects and programs; and they share resources, where appropriate, to improve service and for cost-effectiveness. The districts collaborate on programs including the Household Hazardous Waste Collection Facility that serves central Contra Costa County. MVSD contracts with CCCSD to perform certain services, which provides economies of scale to both districts and allows MVSD to keep personnel costs lower. Services provided by CCCSD include conducting laboratory tests in its environmental lab, providing inspection services for MVSD's commercial accounts, and implementing the Fats, Oils and Grease control program. Additionally, CCCSD assists in the preparation of MVSD's Annual Pollution Prevention Report.

The six SOI amendment areas are shown in Attachment 1 and described in the table below. In sum, the SOI adjustments include the following:

CCCSD

- add to CCCSD's SOI areas 1, 2, 5A and 5B2
- delete from CCCSD's SOI areas 4 and 5B1

Total net change: SOI decrease of 0.10 acres

MVSD

- delete from MVSD's SOI areas 1, 2, 5A and 5B2
- add to MVSD's SOI areas 4 and 5B1

Total net change: SOI increase of 0.10 acres

Area	Acreage	Assessor Parcel Number	Reason for Boundary Change
1	0.7	375-062-013-4	Single family residential connection completed in 2003 (land owner petition). CCCSD is serving the property. Proposed annexation to CCCSD and detachment from MVSD to correct service and boundary issues.
2	1.8	162-131-011	Single family residential unit. CCCSD is serving the property. Proposed SOI adjustment only.
4	4.3	380-030-045	Vacant parcel. This property is currently within the SOI of CCCSD, but can most reasonably and efficiently be served by MVSD. Proposed SOI adjustment only.
5A	1.8	376-210-046-3 (portion)	Common area and a section of California State Highway 4 proposed for annexation to CCCSD and detachment from MVSD to provide more logical boundaries that correspond with assessor parcel lines.
5B1	0.3	376-160-009-1 (portion)	Portion of one multi-family residential parcel (common area). Proposed annexation to MVSD and detachment from CCCSD to correct service and boundary issues.
5B2	0.2	376-160-013-3 (portion)	Portion of one government parcel. Proposed annexation to CCCSD and detachment from MVSD to provide more logical boundaries that coincide with assessor parcel lines.

DISCUSSION

The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the county, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. The intent of an SOI is to identify the most appropriate areas for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's sphere is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

The CKH Act requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency's SOI. Once an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

State law requires LAFCO to review and update, as necessary, the SOI of each local agency not less than every five years. In conjunction with an SOI update, LAFCO must prepare a Municipal Services Review (MSR). In April 2008, the Commission accepted the MSR report covering water and wastewater services in Central County. The MSR included a review of CCCSD and MVSD services along with SOI options and recommendations. In accordance with the MSR, the Commission updated the SOIs for CCCSD and MVSD.

In determining a sphere, LAFCO is required to consider and prepare a written statement of determinations with respect to certain factors prior to making a decision, as discussed below (Gov. Code §56425).

1. *The present and planned uses in the area, including agricultural and open space lands.*

The present General Plan and Zoning designations and surrounding uses are as follows:

Area	General Plan	Zoning	Surrounding Uses
1	Single Family Residential – Medium (City of Martinez)	R-6.0 Single Family Residential (6,000 sq. ft. minimum lot area)	Surrounded by Single and Multiple Family Residential
2	Single Family Residential – Low Density (City of Martinez)	R-40 Single Family Residential (40,000 sq. ft. minimum lot area)	Surrounded by Single Family Residential
4	Light Industrial (Contra Costa County)	Light Industrial	Industrial to the east, north and south; Multiple Family Residential to the west
5A	Professional Administrative (City of Martinez)	Commercial and Open Space	Commercial and Highway 4 to the east; Commercial to the west and north; Single Family Residential to the south
5B1	Multiple Family Residential – High (City of Martinez)	R-2.5 Multi Family Residential (2,500 sq. ft. per dwelling unit)	Multi Family Residential to the east; Single Family Residential to the west; Open Space to the north; Single and Multi Family Residential to the South
5B2	Public/Semi Public (City of Martinez)	R-40	Same as 5B1

The proposed SOI amendments and pending reorganization will facilitate no changes in land use.

2. *The present and probable need for public facilities and services in the area.*

The present and probable need for public facilities and services for the six areas are summarized below.

Areas 1 and 2 – These areas each contain one single family residential unit, which are currently within the bounds of MVSD but connected to CCCSD. There is a current need for sewer service. No additional development is proposed for these two areas.

Area 4 – This area consists of a portion of one parcel, which is currently vacant. The area is zoned for Light Industrial. This property is currently within CCCSD boundaries, but can most reasonably and efficiently be served by MVSD. Future sewer service is anticipated; a 22-lot residential subdivision approved by Contra Costa County (Seal Island) is proposed in this area.

Area 5A – This area consists of a portion of one parcel, is designated as Open Space and contains common area and a section of Highway 4. No present or future sewer service is anticipated.

Area 5B1 - This area consists of a portion of one parcel, and is zoned for Multi Family Residential. No present or future sewer service is anticipated as the area is common area.

Area 5B2 - This area consists of a portion of one parcel, is designated Public/Semi-Public (government parcel). No present or future sewer service is anticipated.

3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

CCCSD serves a 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 either gravity flow or individual residential pump systems. CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of 32.6± million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted capacity of 53.8± mgd.

MVSD serves a population of 18,253 residents in a service area of 4.7± square miles. MVSD's wastewater collection system consists of 110± miles of sewer mains with four pump stations. MVSD operates and maintains pipelines, force mains, and pumping stations that carry wastewater to the District-owned wastewater treatment plant in Martinez. MVSD's wastewater treatment plant provides advanced secondary level treatment which includes sand filtration and ultraviolet disinfection for 2.0± mgd of domestic and commercial wastewater; the plant has a design capacity of 3.2± mgd. MVSD manages 151± acres of constructed and natural marshland to provide for wastewater disposal.

The SOI proposal is to correct boundary and service irregularities. All of the subject areas currently have sewer service available and can be served by the respective districts.

4. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

The primary social or economic communities of interest that are relevant to the proposed SOI amendments are the Martinez community and the CCCSD and MVSD customer base. The SOI amendments are consistent with the County and City of Martinez General Plans, within the countywide ULL, and would reflect logical adjustments to the CCCSD and MVSD boundaries.

In addition to the above determinations, the Commission, when adopting, amending, or updating an SOI for a special district, shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

CCCSD provides wastewater collection, treatment, and disposal services for Danville, Lafayette, Moraga, Orinda, Pleasant Hill, and Walnut Creek, and portions of Martinez and San Ramon and unincorporated areas within central Contra Costa County. The District also provides wastewater treatment for the cities of Concord and Clayton, and is a partner in the Household Hazardous Waste Collection Facility (HHWCF) that serves the central portion of the county.

MVSD provides wastewater collection, treatment, and disposal services for the central portion of the City of Martinez and adjacent unincorporated lands to the northeast. The District collaborates with CCCSD to provide a permanent HHWCF 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.

Environmental Impact of the Proposal

CCCSD, as Lead Agency, has determined that all of the properties in the subject areas are Categorically Exempt – Class 19, Section 15319.

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 amendments to the SOIs of CCCSD and MVSD resulting in a net decrease in CCCSD's of 0.10± acres, and a net increase in MVSD's SOI of 0.10± acres as depicted on the attached map (Attachment 1).

- A. Determine that the CCCSD, as Lead Agency, found the project to be Categorically Exempt – Class 19, Section 15319.
- B. The Commission determines the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
- C. Adopt this report and amend the SOIs of CCCSD and MVSD as described herein and shown on the attached maps.

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. Attachment 1 - Draft LAFCO Resolution – CCCSD and MVSD SOI Amendments
2. Exhibit A - Map - CCCSD Proposed SOI Amendments
3. Exhibit B - Map - MVSD Proposed SOI Amendments

SPHERE OF INFLUENCE RESOLUTION NO. 10-05

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND MODIFYING THE SPHERES OF INFLUENCE
 OF CENTRAL CONTRA COSTA SANITARY DISTRICT AND
 MT. VIEW SANITARY DISTRICT (CCCSD 181 – Martinez/MVSD 2010-1)

WHEREAS, a proposal to modify the spheres of influence (SOIs) of the Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed amendments to the SOIs of CCCSD and MVSD in six separate areas (Areas 1, 2, 4, 5A, 5B1 and 5B2).
2. The Commission is a responsible agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, finds the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
3. The CCCSD and MVSD SOIs are hereby modified in the areas as shown on the attached maps (Exhibit A and Exhibit B).
4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands.

Approximately 0.10± acres are deleted from CCCSD's SOI, and the corresponding 0.10± acres are added to MVSD's SOI in order to correct boundary and service irregularities.

The SOI areas are located in six separate areas in the vicinity of Martinez (incorporated and unincorporated) and have various County and City General Plan and zoning designations, including residential, light industrial, open space, and public/semi-public. There are no current Williamson Act Land Conservation Agreements within the project site.

The proposed SOI amendments will facilitate no changes in land use.

The present and probable need for public facilities and services in the area.

Currently, the areas include residential (Areas 1 and 2), vacant parcels/portions of parcels (Areas 4, 5B1 and 5B2) and common/open space areas (Area 5A). Some areas presently receive sewer service, while the vacant and common areas currently receive no sewer service. No additional development is anticipated in the subject areas.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 32.6 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted capacity of 53.8 mgd.

MVSD's wastewater treatment plant provides advanced secondary level treatment which includes sand filtration and ultraviolet disinfection for approximately 2.0 mgd of domestic and commercial wastewater; the plant has a design capacity of 3.2 mgd.

CCCSD and MVSD facilities have sufficient capacity to accommodate dry and wet weather sewer flows from the proposed SOI amendments.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The primary social or economic communities of interest include the Martinez community and the CCCSD and MVSD customer base. The SOI amendments are consistent with the County and City of Martinez General Plans, within the countywide ULL, and would reflect logical adjustments to the CCCSD and MVSD boundaries.

The nature, location, and extent of any functions or classes of services provided by the existing districts.

CCCSD provides wastewater collection, treatment, and disposal services for Danville, Lafayette, Moraga, Orinda, Pleasant Hill, and Walnut Creek, as well as a portion of Martinez and San Ramon and unincorporated areas within central Contra Costa County. CCCSD also provides wastewater treatment for the cities of Concord and Clayton, and is a partner in the Household Hazardous Waste Collection Facility (HHWCF) that serves the central portion of the county.

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PASSED AND ADOPTED THIS 13TH day of October 2010, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

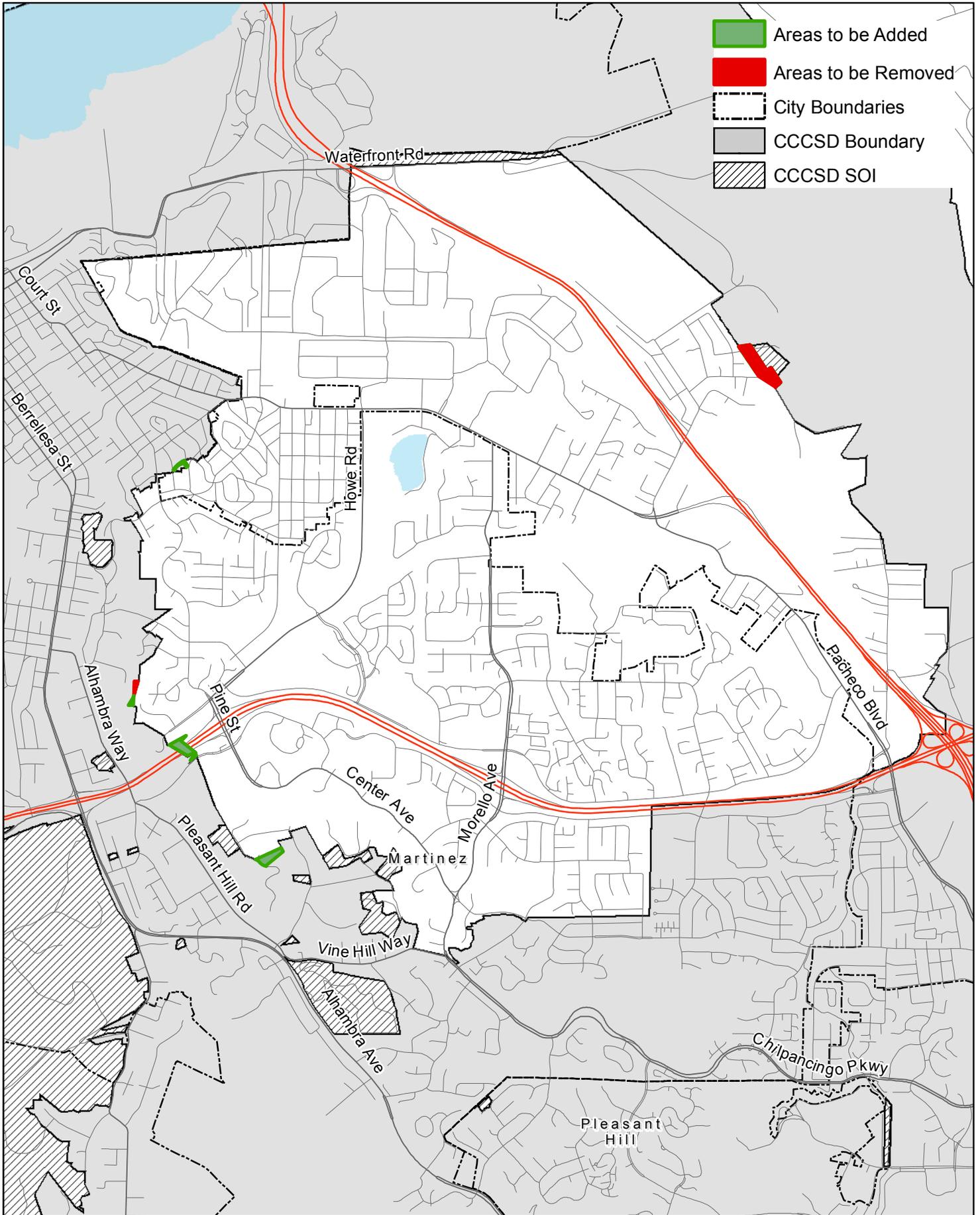
MARTIN MCNAIR, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above

Dated: October 13, 2010

Lou Ann Texeira, Executive Officer

LAFCO No. 10-05: Proposed Changes to Central Contra Costa SD SOI (Close-up)

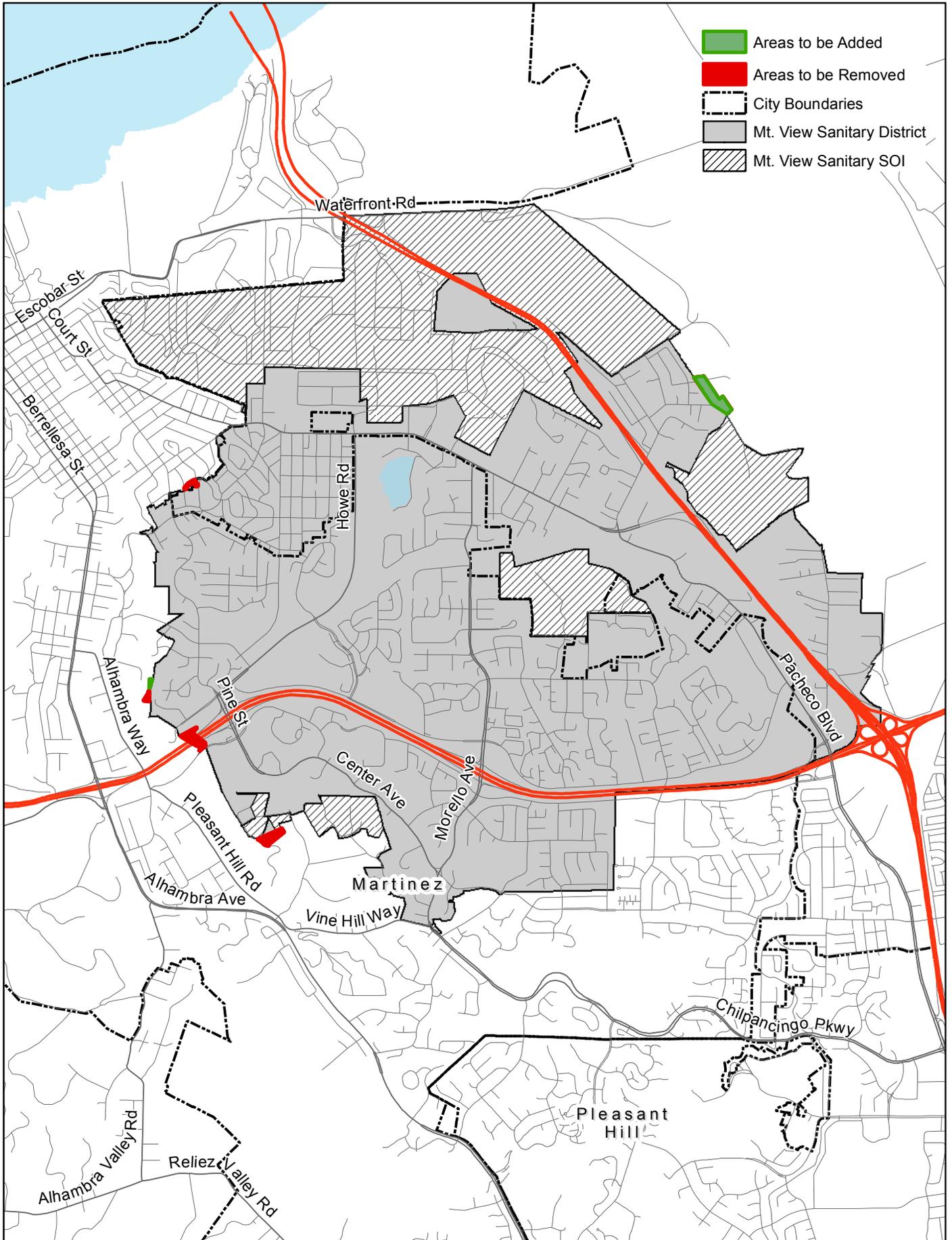


Map created 8/11/2010
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

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LAFCO No. 10-05: Proposed Changes to Mt. View Sanitary District SOI



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