

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 11, 2012 (Agenda)

January 11, 2012  
Agenda Item 7

LAFCO 11-05: North Pacheco Annexation to the City of Martinez

PROPONENT: City of Martinez by Resolution No. 002A-11 adopted January 19, 2011

ACREAGE & LOCATION The annexation area totals 99± acres (252 parcels) and is bounded by State Route 4 to the south, Interstate 680 to the east, and the southeastern boundary of the City of Martinez to the west.

PURPOSE: Provide municipal services to and logical and orderly boundaries and future development of the area.

SYNOPSIS

The annexation area is a gateway into the City from the south and east. Annexation will allow for the extension of City services, and will facilitate future development and economic revitalization of the area. The annexation proposal does not include any new development; however, there are currently several residential projects underway that were previously approved by the County.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission is required to consider in evaluating any proposed change of organization or reorganization as discussed below (Government Code §56668). In the Commission's review and evaluation of these factors, there is no single factor that 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 annexation area is within the City of Martinez's SOI and within the adopted countywide Urban Limit Line.

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

The existing land uses in the area include the following:

- The northern area contains several businesses including two large contractor yards, auto repair, a church and drug and alcohol rehabilitation center (owned and operated by Contra Costa County); the Belmont Terrace Subdivision, a 117 single-family development currently under construction

- The southern area has been approved for two subdivisions – 20 lots and 8 lots
- The area to the east and across Pacheco Boulevard has been approved for an 89-lot subdivision
- The central area includes a large stretch of the Contra Costa Canal that bisects several properties, resulting in vacant parcels. Other uses in this area include a mix of commercial, light industrial and a few residential units. This area also includes the property which formerly housed the recreation vehicle (RV) business, which has since been subleased to several businesses.
- The southern area consists of commercial and light industrial uses, older residential, three occupied multi-family apartment buildings, a California Highway Patrol office, and a park and ride lot.

The County and City General Plan and zoning designations are summarized below. The City's land use designations are generally in accordance with the John Muir Parkway Specific Area Plan. An amendment to this specific plan was needed to accommodate a residential development that was approved by the County.

County General Plan	City General Plan
ML (Multiple Family Residential-Low Density - 7.3-11.9 units/acre)	Medium Density Residential (7-12 units/acre) Multi Family Residential (19-25 units/acre)
CO (Commercial)	C (Commercial)
PS (Public/Semi Public)	PI (Public Institution)
	OS (Open Space)
County Zoning	City Zoning
A-2 (General Agriculture)	R-1.5 (Residential 1,500 sq. ft. per unit; 10,000 sq. ft. minimum parcel size)
C (Commercial)	R-3.5 (Residential 3,500 sq. ft. per unit; 40,000 sq. ft. minimum parcel size)
D-1 (Two Family Residential)	M-GF/SC (Government Facilities/Service Commercial)
M-12 (Multiple Family Residential - maximum 12 units/acre)	M-SC/LI (Mixed Use Service Commercial/ Service Commercial)
M-29 (Multiple Family Residential - maximum 29 units/acre)	P-1 (Planned Unit Development)
R-B (Retail Business)	OS (Open Space)
R-6 (Single Family Residential -minimum lot size 6,000 sq. ft.)	
R-7 (Single Family Residential -minimum lot size 7,000 sq. ft.)	
L-1 (Light Industrial)	
P-1 (Planned Unit)	

Surrounding land uses include I-680, County facilities, Caltrans park and ride, business park, light industrial, small business and residential to the east; commercial and service commercial (mostly within the City of Martinez city limits) to the west; Burlington Northern Santa Fe railroad trestle, light industrial, residential, church and open space to the north; and I-680, Highway 4, miscellaneous commercial and light industrial to the south.

The annexation proposal does not include any new development. The annexation will facilitate future development and economic revitalization of the area in accordance with the City's specific and general plans for the area. The current and proposed uses are consistent with the County and City's General Plans and zoning designations. No additional changes in land uses are proposed. Pursuant to Government Code Section 56375, no subsequent change may be made to the General Plan or zoning for the annexation area that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the City Council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the LAFCO.

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

No Prime Farmlands, Farmlands of Statewide Importance, or Williamson Act contract lands are located within the annexation area. Four parcels in the proposal area are zoned by the County as General Agricultural, although no agricultural activities appear to be occurring on these properties. Three of these parcels contain single-family residential homes. The proposal will not result in the conversion of farmland to non-agricultural uses.

4. Topography, Natural Features and Drainage Basins:

The annexation area is predominantly flat, sloping upward toward the west. The base of a hill runs along the southwest side of the proposal area along the west side of Pacheco Blvd. According to the CEQA Initial Study, the annexation area is within a massive landslide area and within the boundary of the Land Use Plan for Buchanan Field.

The proposal area is situated approximately two miles south of Suisun Bay and the eastern edge of the Carquinez Straits. The surrounding area is a broad, relatively flat valley formed as the floodplain of Pacheco Creek. A tributary to Pacheco Creek is located 0.30 miles east of the proposal area. The valley contains the cities of Martinez, Concord, Pleasant Hill and Walnut Creek, and is nestled between the Briones Hills to the west and the northern extension of the Black Hills to the east.

5. Population:

There are 252 parcels within the annexation area. There are three residential developments in the annexation area: SD 8984 – Belmont Terrace/KB Homes, a 120-lot development with 41 remaining lots; SD 7418 – First National Bank, a 20-lot development with tentative map

approved and infrastructure built; and SD 8944 – William Kelleher, an 8-lot development with tentative map approved. Beyond what has already been approved by the County, the potential for future infill development consists of only four vacant lots.

Based on the anticipated residential development as previously approved by the County, the projected population increase is approximately 300 residents.

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. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a “fair share” of the regional housing needs (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In June 2008, ABAG released the Proposed Final Regional Housing Needs Allocation (RHNA) Plan for the period 2007-14. The City reports that its total RHNA for 2007-2014 is 1,060 units. Of that, 454 are market rate and 606 are affordable (i.e., 179 moderate, 166 low and 261 very low).

The new homes to be developed, as previously approved by the County, are market rate homes.

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

In accordance with Government Code §56653, whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area. The plan shall include all of the following information and any additional information required by LAFCO:

- (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 City's "Plan for Providing Services within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The level and range of services will be comparable to those currently provided within the City.

The area proposed for annexation contains 252 parcels. The City will provide a range of municipal services to the area, including police, streets and infrastructure maintenance, stormwater, parks and recreation and other city services. Fire services will continue to be provided by the Contra Costa County Fire Protection District, water services will be provided by the Contra Costa Water District, and sewer services will be provided by the Mt. View Sanitary District.

The development projects previously approved by the County include appropriate conditions relating to public facilities, including funding. There are no additional requirements for the upgrading of infrastructure (e.g., roads, sewer, water). The proposed annexation does not include any other development or construction activities.

The City and County have entered into a tax sharing agreement which provides for an exchange of property, sales and use tax, and includes provisions related to the current residential development projects as previously approved by the County (i.e., fees, permits).

8. Timely Availability of Water and Related Issues:

The Contra Costa Water District (CCWD) supplies water to the annexation area. CCWD provides wholesale and retail water, and serves an area of 220± square miles and approximately 550,000 people. Water service includes production, distribution, retail, treatment, recycling and conservation services. The District's primary source of water supply is the United States Bureau of Reclamation's Central Valley Project.

The proposed annexation would have no 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 area is within tax rate areas 76042, 76051 and 79130. The assessed value is \$65,680,998 (2010-11 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable.

10. Environmental Impact of the Proposal:

As Lead Agency under CEQA, the City of Martinez adopted a Negative Declaration for the North Pacheco Annexation Project on January 19, 2011. The LAFCO Environmental Coordinator has reviewed the document and finds it adequate for LAFCO purposes.

Copies of the environmental document were previously provided to the members of Commission and are available for review in the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in the areas proposed for annexation; thus, the area is considered inhabited.

Less than 100% of the affected landowners/voters have provided written consent 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 January 11, 2012 hearing.

As of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on January 11, the Commission may waive the protest proceedings. However, if any objection is received at any time prior to or during the hearing, then a protest hearing is required (Gov. Code Section 56663).

12. Boundaries and Lines of Assessment:

The annexation area is contiguous to existing City boundaries. The annexation area does not result in any split parcels. A map and legal description to implement the proposed boundary change have been received and are being reviewed by the County Surveyor.

13. 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. Find that, as a Responsible Agency under CEQA, the Commission has reviewed the City of Martinez North Pacheco Annexation Initial Study/Negative Declaration.

- B. Adopt this report and approve the proposal, to be known as the North Pacheco Annexation to the 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. That the City has delivered an executed indemnification agreement providing for the City 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 to waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have consented to the annexation. Should LAFCO receive any objection to the annexation from an affected party prior to or during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

**Option 2**

- A. Certify it has reviewed and considered the information contained in the Initial Study/Negative Declaration as prepared and adopted by the City of Martinez.
- B. Adopt this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

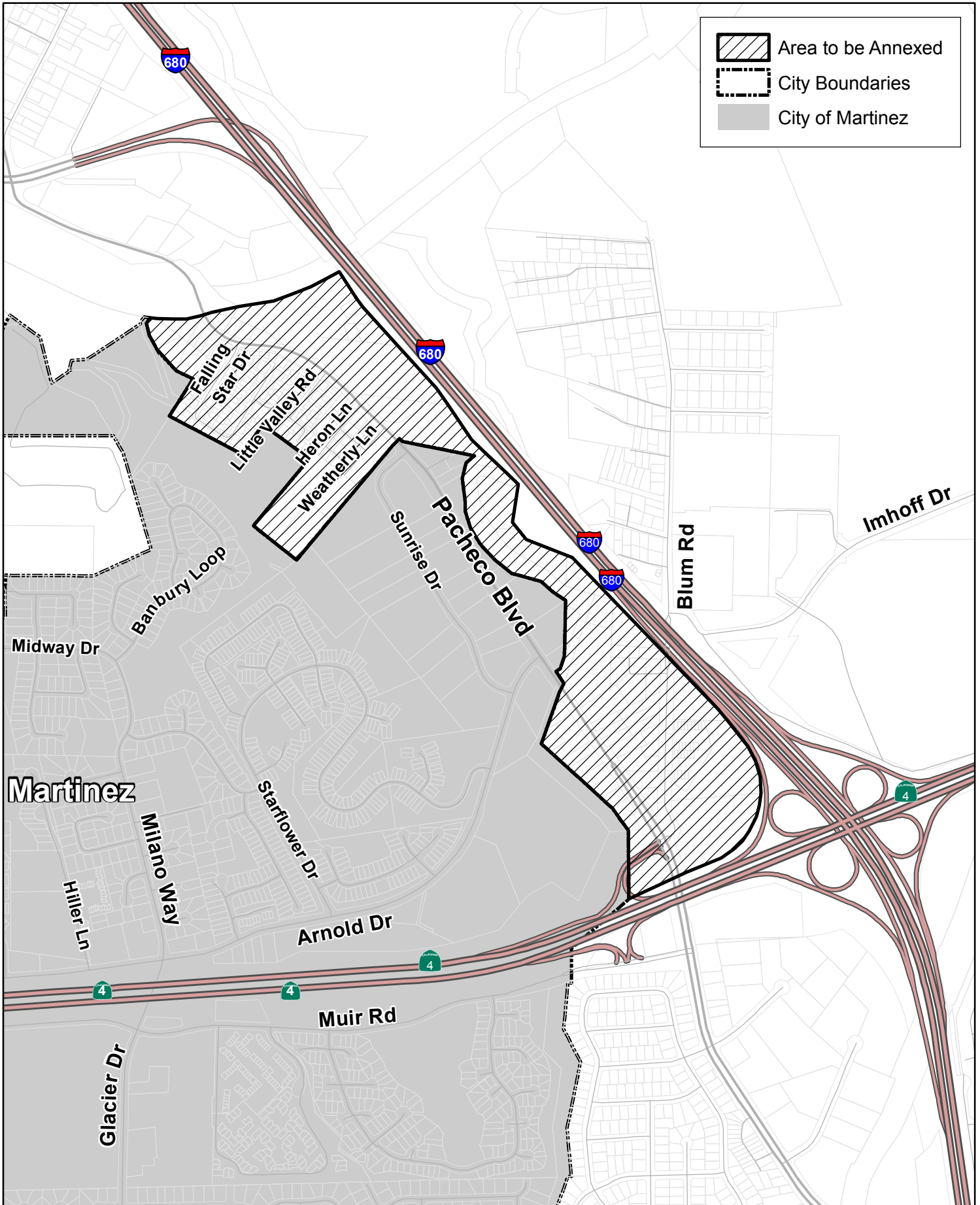
**RECOMMENDED ACTION:**

Approve Option 1.

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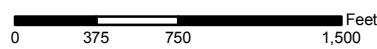
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

# LAFCO No. 11-05: North Pacheco Annexation to City of Martinez



Map created 11/29/2011  
 by Contra Costa County Department of Conservation and 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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## **RESOLUTION NO. 11-05**

### RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING NORTH PACHECO ANNEXATION TO THE 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, at the times 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 all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission finds 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 certifies it reviewed and considered the information contained in Initial Study/Negative Declaration as prepared and adopted by the City of Martinez.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  
  
NORTH PACHECO ANNEXATION TO THE CITY OF MARTINEZ
4. Said territory is found to be inhabited.
5. The proposal has less than 100% landowner/registered voter consent; however, no affected landowners/registered voters opposed the annexation, and the annexing agency has given written consent to the waiver of conducting authority proceedings. Said conducting authority proceedings are hereby waived.
6. 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.
7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.

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8. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
9. That the City delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
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 11<sup>TH</sup> day of JANUARY 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
CHAIR, CONTRA COSTA LAFCO

ATTEST:

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

Dated: January 11, 2012

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Lou Ann Texeira, Executive Officer