

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

EXECUTIVE OFFICER'S REPORT

October 8, 2014 (Agenda)

October 8, 2014
Agenda Item 9

LAFCO 14-08 **Sphere of Influence Amendment – Central Contra Costa Sanitary District (CCCSD) - DA 185**

APPLICANT CCCSD

ACREAGE & LOCATION The District proposes to expand its SOI to include 38.42± acres [APNs 365-230-008, 354-230-009 (portion) 365-230-031] in anticipation of annexing the same territory. These parcels are located in unincorporated Lafayette at the west end of Springhill Road.

PURPOSE The purpose of the proposed SOI amendment is to correct boundary and service irregularities. Two of the parcels (APNs 365-230-008/-009) are developed and currently have municipal water and sewer services through East Bay Municipal Utility District (EBMUD) and CCCSD, respectively. The third partial parcel (365-230-031) is an undevelopable access parcel and is being included in the proposal for boundary consistency.

SUMMARY On July 1, 2014, CCCSD submitted a proposal to annex 172.3± acres including the three subject parcels. It was subsequently discovered that these three parcels are outside of CCCSD’s SOI. The District’s proposal is to include these parcels in CCCSD’s SOI, and subsequently annex the properties to correct service and boundary issues. All three properties are located outside the County’s Urban Limit Line.

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 area for an agency’s extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency’s SOI 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.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. *The present and planned uses in the area, including agricultural and open space lands* - The County’s General Plan and zoning designations and land use details are summarized below.

APN	ACREAGE	GENERAL PLAN	ZONING	USE
365-230-008	6.34±	Agricultural Lands (AL)	General Agriculture (A-2) (parcel 5 acre minimum)	Existing single-family residence
365-230-009 (portion)	31.8± (of 128.19±)	Parks & Recreation (PR)	A-2	One caretaker unit on portion of EBRPD park property
365-230-031	0.28±	Agricultural Lands (AL)	A-2	Undevelopable access property

The proposed SOI amendment and pending annexation of these properties will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

2. ***The present and probable need for public facilities and services in the area*** –The purpose of the proposed SOI change is to correct boundary and service irregularities. Two of the parcels (APNs 365-230-008 and -009) are developed as noted above, and currently have municipal water and sewer services through EBMUD and CCCSD, respectively. The third partial parcel (APN 365-230-031) is an undevelopable access parcel and is being included in the proposal for boundary consistency. All necessary public services already exist in the area and no new public services are needed. The proposed SOI change will have no effect on public facilities or services.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – Current public facilities are adequate for the existing uses. No new development or growth can occur beyond the existing uses, due to public land ownership (EBRPD) and the area’s “end-of-the-road” characteristics.
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 community of interest is Contra Costa County and CCCSD. The SOI amendment reflects a logical adjustment to the District’s SOI in conjunction with the existing uses.
5. ***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.

Environmental Impact of the Proposal – The underlying project is CCCSD DA 185. CCCSD, as Lead Agency, has determined that the proposed SOI amendment and corresponding annexation are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15319. This determination is adequate for LAFCO purposes.

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 the proposed SOI expansion to CCCSD’s SOI as depicted on the attached map (Attachment 1).
- A. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15319.
 - B. Adopt this report and amend CCCSD’s SOI described herein and shown on the attached map.
 - C. CCCSD service is limited to the existing residential structures that are currently receiving service.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDATION Option 1 – approve the SOI amendment.

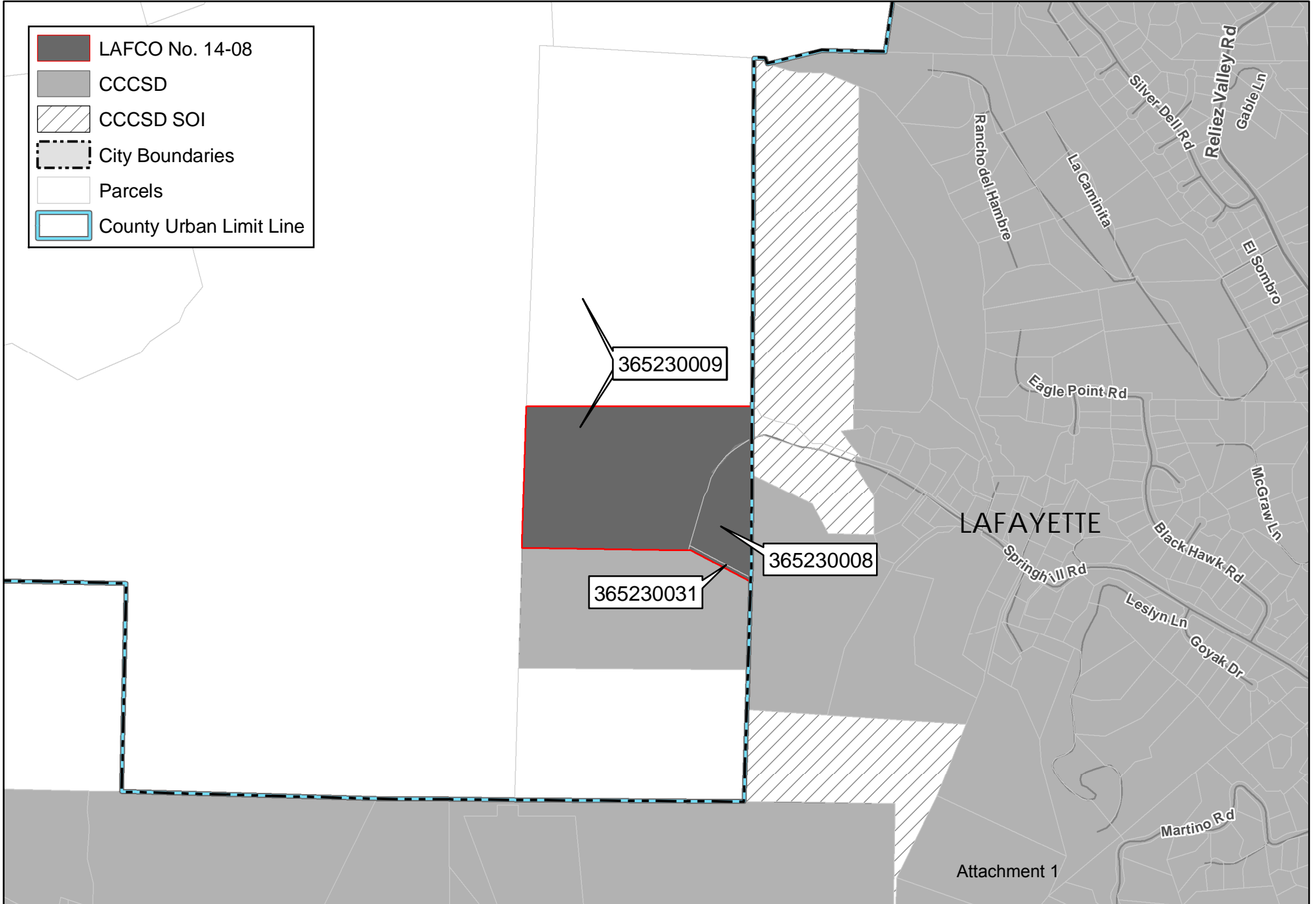
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments

- 1 - Map – Proposed SOI Amendment – CCCSD DA 185
- 2 - Draft LAFCO Resolution – CCCSD SOI Amendment (DA 185)

c: Russell Leavitt, CCCSD
Thomas Brightbill, CCCSD

LAFCO No. 14-08: Amendment to Central Contra Costa Sanitary District Sphere of Influence



SPHERE OF INFLUENCE RESOLUTION NO. 14-08

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
 OF CENTRAL CONTRA COSTA SANITARY DISTRICT (CCCSD DA 185)

WHEREAS, a proposal to expand the sphere of influence (SOI) of Central Contra Costa Sanitary District (CCCSD) 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 expansion of CCCSD's SOI to include Assessor Parcel Numbers 365-230-008, 365-230-009 (portion) and 365-230-031 totaling 38.42± acres located in unincorporated Lafayette at the west end of Springhill Road.
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. CCCSD's SOI is hereby expanded to include the areas as shown on the attached map (Exhibit A).
4. CCCSD service is limited to the existing residential structures which are currently receiving service.
5. 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.

The County General Plan designations for the subject properties include General Agricultural and Park & Recreation; and the County zoning designation for the subject properties is General Agriculture (A-2). The proposed SOI amendment and pending annexation of these properties will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

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

The purpose of the SOI change is to correct boundary and service irregularities. Two of the parcels (APNs 365-230-008 and -009) are developed, and currently have municipal water and sewer services through East Bay Municipal Utility District and CCCSD, respectively. The third partial parcel (APN 365-230-031) is an undevelopable access parcel and is being included in the proposal for boundary consistency. All necessary public services already exist in the area and no new public services are needed. The proposed SOI change will have no effect on public facilities or services.

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

Current public facilities are adequate for the existing uses. No new development or growth can occur beyond the existing uses, due to public land ownership (EBRPD) and the area's "end-of-the-road" characteristics.

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 community of interest is Contra Costa County and CCCSD. The SOI amendment reflects a logical adjustment to the District's SOI in conjunction with the existing uses.

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.

PASSED AND ADOPTED THIS 8^H day of October 2014, by the following vote:

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

ROB SCHRODER, INTERIM 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 8, 2014

Lou Ann Texeira, Executive Officer