

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 10, 2025 (Agenda)

December 10, 2025
Agenda Item 5

LAFCO 25-05 City of Martinez - Out of Agency Service (OAS) – 33 Wanda Way, Martinez

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service to one parcel (1.34± acres) (APN 366-102-008) as shown in Exhibit A.

The parcel is currently vacant and in unincorporated Martinez and within the City's sphere of influence. Water service is needed to serve construction of a single-family home approximately 3,300 square feet, two level house. No change in land use is proposed. The parcel is not contiguous to the City's boundary and is within the City's sphere of influence (SOI).

The City is applying for OAS to assist the landowner due to the landowner's timing and construction schedule. Annexation of the property to the City is not feasible currently as the parcel is not contiguous to the City boundary.

The property is pre-zoned by the City as Rural Residential (RR-40P), single family residential lot with a minimum size of 40,000 square feet.

DISCUSSION

Statutory Framework - The Government Code ("GC") and local LAFCO policies regulate the extension of out of agency service. GC §56133 states that "*a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission.*" LAFCO may authorize a city or district to provide new or extended services under specific circumstances: a) outside the agency's jurisdictional boundary but within its SOI in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the health and safety of the public or the residents of the affected territory.

LAFCO's Policy - The Commission's current policies regarding out of agency service are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well), or in anticipation of a future annexation.

LAFCO policies contain the following provisions:

3) *Objective – OAS is generally not intended to support new development.*

The OAS service request is intended to serve proposed development of one single family home. The parcel is not contiguous to the City and cannot be annexed at this time. The City of Martinez has agreed to provide water service to the subject parcel.

4) *Out of Agency Service Policies: General Statements*

a) *Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

The subject parcel is not contiguous to the City's boundary and cannot be annexed at this time.

Analysis – The City of Martinez serves approximately 37,000 residents within approximately 14± square miles.

The City requests to provide municipal water service outside its jurisdictional boundary to serve the subject parcel totaling 1.34± acres west of the City of Martinez. LAFCO statutes allow LAFCO to authorize cities to extend services outside their jurisdictional boundary either in response to an existing or impending threat to the public health or safety, or in anticipation of an annexation. There is currently no public health or safety threat on the subject parcel.

Regarding infrastructure and improvements, service will be provided from the existing four inch main on Wanda Way in front of the property. The water service typically consists of approximately 25 linear feet of one-inch diameter pipe, a water meter, and a backflow device prevention device. The one-inch water service will also be used for a combined water plus fire supply. City crew will install the water service lateral, meter, and the backflow device in the street right-of-way. The owner/applicant will be responsible for constructing the private water system from the new home to the meter/backflow device in the street. Regarding water main replacement, the City is planning to replace the existing four-inch water main in the street with a larger pipe size.

Environmental Review – In conjunction with the proposed OAS, the City of Martinez, as Lead Agency, prepared a Notice of Exemption (NOE). The LAFCO Environmental Coordinator has reviewed the City's CEQA documents and finds them adequate for LAFCO purposes.

Indemnification Agreement – City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service application.

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation and determination of local agency boundaries and facilitating the efficient provision of public services. The *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000* provides that LAFCO can approve or disapprove with or without amendments, wholly, partially, or conditionally, a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

Option 1 Approve the attached resolution approving the extension of out of agency water service subject to the following:

Approve the attached resolution approving the extension of out of agency water service subject to the following:

- A. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, finds that the extension of water service to APN 366-102-008 is exempt from CEQA pursuant to Government Code section 15303(a) which is consistent with the determination of the City of Martinez, the Lead Agency under CEQA.
- B. The Commission finds, pursuant to Government Code section 56133, that the City of Martinez has provided the Commission with documentation of a threat to the health and safety of the affected residents of APN 366-102-008, in that if service is not extended to the parcel, the residents will not have a water supply.
- C. The Commission authorizes the City of Martinez to extend water service outside its jurisdictional boundary to 33 Wanda Way in Martinez (one parcel) totaling 1.34± acres north of Sheridan Lane in unincorporated Martinez subject to the following conditions:
 1. Water infrastructure and service is limited to the proposed resident project.

Option 2 Deny the request, thereby prohibiting the City of Martinez from providing OAS water service to the subject parcel.

Option 3 Continue this matter to a future meeting to obtain more information.

RECOMMENDATION: Option 1 – Recommend Approval

Lou Ann Texeira
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachment

5.1 Draft LAFCO Resolution 25-05

Exhibit

5a. Map of Subject Parcel

- c: Michael Chandler, City Manager, City of Martinez
Khalil Yowakim, Senior Civil Engineer, City of Martinez
Joe Enke, City Engineer, City of Martinez

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RESOLUTION NO. 25-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING CITY OF MARTINEZ TO PROVIDE
OUT-OF-AGENCY WATER SERVICE TO 33 WANDA WAY - MARTINEZ**

WHEREAS, the above-referenced request was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (California Government Code Section 56000 et seq.); and

WHEREAS, at the time and in the manner required by law the Executive Officer gave notice of the Commission's consideration of this request; and

WHEREAS, the Commission heard, discussed, and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, out of agency service approval is needed to provide water service to the subject property to facilitate development of a single-family home; and

WHEREAS, City of Martinez delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service.

NOW, THEREFORE, BE IT RESOLVED DETERMINED, AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- A. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, finds that the extension of water service to APN 366-102-008 is exempt from CEQA pursuant to Section 15303(a), which is consistent with the determination of the City of Martinez, the Lead Agency under CEQA.
- B. The Commission finds, pursuant to Government Code section 56133, that the City of Martinez has provided the Commission with documentation of a threat to the health and safety of the affected residents of APN 366-102-008, in that if service is not extended to the parcel, the residents will not have a water supply.
- C. The Commission authorizes the City of Martinez to extend water service outside its jurisdictional boundary to APN 366-102-008 subject to the following terms and conditions:

Water infrastructure and service is limited to the construction of one single family home.

- D. Approval to extend City of Martinez services is limited to one parcel as specifically noted herein.

* * * * *

PASSED AND ADOPTED THIS 10th day of December 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: None

MICHAEL R. MCGILL, 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.

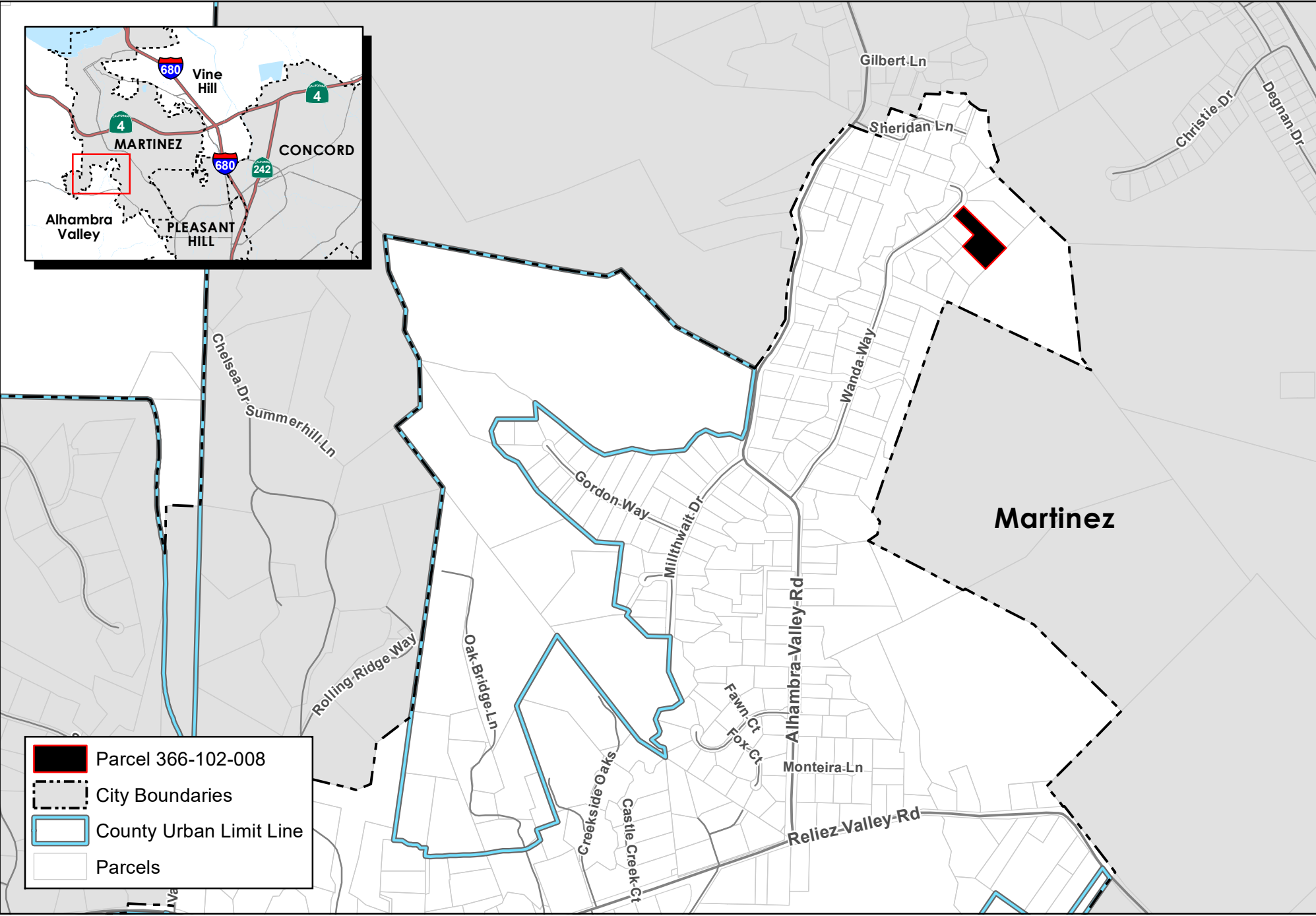
Dated: December 10, 2025

Lou Ann Texeira, Executive Officer

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Potential Out-of-Agency Service Agreement for 366-102-008 (33 Wanda Way, Martinez)

Item #7
Exhibit 5a.



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