

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

November 10, 2010
Agenda Item 6

November 10, 2010 (Agenda)

LAFCO 10-06 Reorganization CCCSD 181 and MVSD 2010-1 - Central Contra Costa Sanitary District and Mt. View Sanitary District

PROPONENTS CCCSD by Resolution No. 2010-085 adopted September 2, 2010
MVSD by Resolution No. 1263-2010 adopted September 9, 2010

ACREAGE/ LOCATION The proposed reorganization includes approximately three acres in four separate areas located in the City of Martinez as generally described below:

- **Area 1:** one parcel located at 2220 Pomona Ave (0.7± acre)
- **Area 5A:** a portion of a parcel (common area) located near Muir Station Road-Douglas Drive along Highway 4 (1.8± acres)
- **Area 5B1:** a portion of a parcel located at 3430 Vista Oaks Drive (0.3± acre)
- **Area 5B2:** a portion of a parcel located on Shady Glen (0.2± acre)

SYNOPSIS

The purpose of the proposed reorganization is to correct parcel, boundary and service irregularities between CCCSD and MVSD. The two districts 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 spheres of influence (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.

Last month, the Commission approved modifications to the districts' SOIs; the reorganization proposal before the Commission today reflects the corresponding boundary changes. The proposal consists of one detachment from CCCSD and corresponding annexation to MVSD (Area 5B1); and three detachments from MVSD and corresponding annexations to CCCSD (Areas 1, 5A, 5B2). The proposed boundary changes will result in a net increase in CCCSD's service area of 2.4± acres, and a corresponding decrease in MVSD's service area.

DISCUSSION

The Government Code sets forth factors that the Commission is required to consider in evaluating any proposed boundary change as discussed below (Gov. Code §56668). In the Commission's review and evaluation, no single factor 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 (SOI) of Any Local Agency:

The reorganization areas are within the respective CCCSD and MVSD SOIs and within the County Urban Limit Line; all areas are located in the City of Martinez.

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

The City of Martinez General Plan and Zoning designations are as follows:

Area	General Plan	Zoning
1	Single Family Residential - Medium	R-6.0 Single Family Residential (6,000 sq. ft. minimum lot area)
5A	Professional Administrative	Commercial and Open Space
5B1	Multiple Family Residential - High	R-2.5 Multi Family Residential (2,500 sq. ft. per dwelling unit)
5B2	Public/Semi Public	R-40 Single Family Residential (40,000 sq. ft. minimum lot area)

No changes are proposed to General Plan or zoning designations as part of this proposal.

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

The reorganization areas contain no prime farmland or land covered under Williamson Act Land Conservation agreements.

4. Topography, Natural Features and Drainage Basins:

The topography of the reorganization areas and surrounding areas are as follows:

Area	Topography - Reorganization Area	Topography - Surrounding Area
1	Rolling hillside	Rolling hills in all directions
5A	Gently slopes down to the east and west	Slopes up to the north and east; down to the south and west
5B1	Slopes down to the southwest	Slopes up to the north and east; down to the south and west
5B2	Slopes down to the southwest	Slopes up to the north and east; down to the south and west

5. Population:

No additional population will result from the proposed boundary changes.

6. Fair Share of Regional Housing:

Pursuant to Government Code §56668, 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. The proposed reorganization will have no effect on regional housing needs.

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

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (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 "Plan for Providing Services within the Affected Territory" is on file in the LAFCO office. The service plan notes that the reorganization areas are served by various municipalities and agencies including, but not limited to, the City of Martinez and Contra Costa County Fire Protection District.

The proposal before the Commission is to correct parcel, boundary and service irregularities between CCCSD and MVSD.

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 subject areas currently have sewer service available and can be served by the respective districts.

8. Timely Availability of Water and Related Issues:

The reorganization areas receive water service through the City of Martinez. The City provides retail water service to 15± square miles, including approximately 75% of the City's corporate boundaries, as well as unincorporated areas to the northeast, southeast, and southwest. Martinez provides water treatment and distribution services for residential, commercial, industrial, public and irrigation customers, and for fire protection uses. The City's sole source of water supply is untreated water purchased from Contra Costa Water District. The City takes delivery of the water from the Martinez Reservoir, a terminal reservoir for the Contra Costa Canal. The City's water treatment facilities have a total filtration capacity of 14.7 mgd; average daily water use is approximately 5.2 mgd. The City's water system includes 11 treated water storage reservoirs with a capacity of 9.6 million gallons.

The proposed reorganization will have no effect on water usage, and will not lead to the construction of new or expansion of existing water facilities.

9. Assessed Value, Tax Rates and Indebtedness:

The reorganization areas are within tax rate area 05002. The assessed value for the reorganization area is \$305,500 (2010-11 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

As Lead Agency, CCCSD found the reorganization areas categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities. The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

The reorganization area is uninhabited, as there are fewer than 12 registered voters in the area. The affected agencies have consented to the reorganization. Property owners of the one occupied parcel have provided written consent to the reorganization; the remaining areas contain partial parcels owned by miscellaneous parties. Given that less than 100% of the affected landowners have provided written consent, the Commission's action is subject to notice, hearing, as well as conducting authority (protest), proceedings. All landowners and registered voters within the proposal areas and within 300 feet of the exterior boundaries of the areas have received notice of the November 10 hearing.

As of this writing, LAFCO has received no communication from any affected party. If no written objection is received from an affected party prior to the conclusion of the hearing on November 10, 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 §56663).

12. Boundaries and Lines of Assessment:

The reorganization areas are within the respective CCCSD and MVSD SOIs and are contiguous to existing district boundaries. The purpose of the proposed reorganization is to correct parcel, boundary and service irregularities between CCCSD and MVSD. The reorganization will result in more logical boundaries that are coincident with existing parcel lines.

13. Environmental Justice:

LAFCO is required to 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 reorganization 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 reorganization as submitted.
- A. Determine that CCCSD, as Lead Agency, found the reorganization areas categorically exempt pursuant to CEQA Guidelines Section 15319.
 - B. Determine 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 approve the proposal, to be known as Reorganization CCCSD 181 and MVSD 2010-1 - Central Contra Costa Sanitary District and Mt. View Sanitary District subject to the following terms and conditions:
 - 1. The reorganization areas 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 affected agencies have delivered an executed indemnification agreement providing for the agencies to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
 - D. Find that the reorganization areas are uninhabited, that the affected agencies have consented to waiving the conducting authority proceedings, and that less than 100% of the affected landowners/voters have consented to the reorganization. Should LAFCO receive any objection to the reorganization 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 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.

RESOLUTION NO. 10-06

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
REORGANIZATION CCCSD 181 AND MVSD 2010-1 - CENTRAL CONTRA COSTA
SANITARY DISTRICT AND MT. VIEW SANITARY DISTRICT**

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 within the reorganization area object to the proposal; 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. Determines that CCCSD, as Lead Agency, found the reorganization areas categorically exempt pursuant to CEQA Guidelines Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities.
2. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
3. Said reorganization is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

**REORGANIZATION CCCSD 181 AND MVSD 2010-1 - CENTRAL CONTRA
COSTA SANITARY DISTRICT AND MT. VIEW SANITARY DISTRICT**

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
Resolution No. 10-06

7. The districts delivered an executed indemnification agreement between the districts and Contra Costa LAFCO providing for the districts to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
8. The reorganization areas are uninhabited.
9. The proposal has less than 100% landowner/registered voter consent; however, no affected landowners/registered voters opposed the reorganization, and the annexing agency has given written consent to the waiver of conducting authority proceedings. Said conducting authority proceedings are hereby waived.
10. All subsequent proceedings in connection with this reorganization 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 10th day of November 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.

Dated: November 10, 2010

Lou Ann Texeira, Executive Officer

LAFCO No. 10-06: Reorganization of CCCSD 181 and MVSD 2010-1 (Detail)

