

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 9, 2012 (Agenda)

May 9, 2012
Agenda Item 6

LAFCO 12-01 County Service Area (CSA) R-7(Zone A) Round Hill Annexation

PROPONENT Contra Costa County – Resolution 2011/491 adopted December 13, 2011

ACREAGE & LOCATION The applicant proposes to annex 777± acres (674 parcels) in six areas located in and around the Round Hill community, an unincorporated area in the community of Alamo (Attachment 1)

SYNOPSIS

The County filed a resolution of application with LAFCO to annex the subject territory to CSA R-7 (Zone A). The territory consists of the following six areas:

Area 1 – Round Hill (621± acres) containing 635 parcels commonly referred to as the Round Hill Country Club including Tax Rate Areas (TRAs) 66075, 66053 and 66100.

Area 2 – consists of 122± acres containing one parcel (APN 193-190-026) owned by East Bay Regional Park District and has no assessed valuation (TRA 66006).

Area 3 – consists of 4.71+ acres containing one parcel (APN 187-480-009) that is a common area owned by the Stonegate Homeowners Association and has no assessable valuation (TRA 66081).

Area 4 – consists of 20± acres containing 34 parcels commonly referred to as the Sugarloaf development north of Livorna Road (TRA 66133).

Area 5 – consists of 2.119± acres containing two parcels. These are single-family homes in the Alamo Springs development (TRA 66017).

Area 6 – consists of 5.57± acres containing a portion of one parcel (APN 197-050-029) and entails a mapping correction only (TRA 66018).

The Round Hill area was identified as a hole in CSA R-7 and discussed in the 2010 LAFCO *Parks, Recreation and Cemetery Services Municipal Services Review (MSR)*. The five other areas were subsequently identified by the County as boundary irregularities (i.e., pockets, islands).

These areas currently benefit from the park and recreation services provided through CSA R-7. The purpose of the annexation is to reallocate a portion of the future property taxes in these areas to help fund the services provided by CSA R-7 and to correct boundary irregularities.

In April 2012, the Commission approved an update (expansion) to the District's sphere of influence (SOI) to include these six areas based on findings contained in the MSR, and to facilitate the annexation of these areas to CSA R-7 (Zone A).

DISCUSSION

Government Code §56668 sets forth factors that the Commission is required to consider in evaluating any proposed boundary change as discussed below. 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 area proposed for annexation is within CSA R-7's SOI as recently updated by LAFCO.

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

The County General Plan and zoning designations are shown below. No changes are proposed to the General Plan or zoning designations as part of this proposal.

Annexation Area	General Plan Designation	Zoning Designation
Area 1	Single Family Low Density Residential (SL), Parks & Recreation (PR), Public/Semi-Public (PS), Open Space (OS)	R-15 (Single Family Residential - lot size 15,000 sq. ft. minimum), and R-20 (Single Family Residential - lot size 20,000 sq. ft. minimum)
Area 2	PR	P-1 (Planned Unit)
Area 3	OS	P-1
Area 4	SL	R-20
Area 5	SL	P-1
Area 6	OS	P-1

The proposed annexation will not facilitate any changes in land use.

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

There are no agricultural lands or Williamson Act Land Conservation Agreements within the project site.

4. *Topography, Natural Features and Drainage Basins:*

The topography of the annexation and surrounding areas consists of a complex series of major and minor ridges, rolling hills running toward the western part of the annexation area. There are no other significant natural features that affect this proposal.

5. *Population:*

There are approximately 613 single-family and condominium units in the annexation areas as follows: Area 1 (Round Hill) – 580 single-family units; Area 4 – 23 single-family and eight condominiums; Area 5 – two single-family units; and Areas 2, 3 and 6, which have no existing dwelling units. The proposal will not facilitate development or a change in population.

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 annexation 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" as required by Government Code §56653, is on file in the LAFCO office. The properties proposed for annexation are served by various local agencies including, but not limited to, Contra Costa County, the San Ramon Valley Fire Protection District, Central Contra Costa Sanitary District, and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex the properties to CSA R-7(Zone A) in order to reallocate a portion of the future property taxes in these areas to help fund park and recreation services provided by CSA R-7 and to correct boundary irregularities. The District is funded primarily through property tax.

CSA R-7(Zone A) is a dependent special district formed in 1974, and provides park and recreation facility operation and maintenance and recreation programming in the Alamo community. The boundary area of CSA R-7 (Zone A) is 8.2± square miles. The territory within the CSA is essentially a built-out community primarily zoned for residential uses. Except for the recently approved amendment to the District's SOI related to the subject annexation, the District's SOI is coterminous with its service boundary.

8. Timely Availability of Water and Related Issues:

The area proposed for annexation is located within the EBMUD service area. EBMUD provides wholesale water, retail water, wastewater collection and wastewater treatment services for an area of 331± square miles in Contra Costa and Alameda counties, serving over 1.4 million people. Water service includes production, distribution, retail, treatment, recycling and conservation services. Historically, over 90% of EBMUD's water comes from the Mokelumne River watershed. Other water sources include local watershed runoff and Central Valley Project (Sacramento River). The proposed annexation 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 area proposed for annexation is within tax rate areas 66053, 66075, 66100, 66006, 66081, 66133, and 66017. The assessed value for the annexation area is \$578,861,676 (2011-12 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:

In December 2011, Contra Costa County, as Lead Agency, filed a Notice of Exemption finding that the proposed annexation is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3). The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

11. *Landowner Consent and Consent by Annexing Agency:*

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

The County indicates that 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. The number of landowners/voters within the annexation area exceeds 1,000. Pursuant to Government Code §56157(h), if the total number of notices required to be mailed exceeds 1,000, then notice may be provided by publishing a display advertisement of at least one-eighth page in a newspaper, at least 21 days prior to the hearing. The May 9 LAFCO hearing was appropriately noticed in a newspaper of general circulation.

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 May 9, 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).

The County, as applicant has consented to the proposed annexation. Further, Supervisor Mary Nejedly Piepho's office was instrumental in coordinating community outreach and discussions with other affected parties including the Alamo Municipal Advisory Council, CSA P-5 Advisory Council, the Round Hill Country Club, and the Round Hill Homeowners Associations. All of these groups have expressed support for expanding the CSA R-7 boundaries to include the Round Hill community.

12. *Boundaries and Lines of Assessment:*

The annexation areas represent islands and pockets in and around the current CSA R-7 (Zone A) boundaries. In April 2010, LAFCO completed an MSR covering cemetery, recreation and park services. The MSR included a review of CSA R-7 services and boundaries and provided SOI options and recommendations. One of the options was to expand the District's SOI to include Round Hill which is presently surrounded by CSA R-7 (Zone A). Upon further review of the boundaries, County staff discovered the additional five islands and pockets. The proposed annexation will facilitate orderly and logical boundaries and correct a current parcel split (Area 6).

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 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 to CSA R-7 (Zone A) as submitted to include 777+ acres (674 parcels) in six areas located in the unincorporated community of Alamo as shown on the attached map (Attachment 1).

- A. Determine that the project is exempt pursuant to CEQA Guidelines, §15061(b)(3).
- B. Adopt this report and approve the proposal known as *Contra Costa County Service Area R-7 (Zone A) Round Hill Annexation* 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 applicant has delivered an executed indemnification agreement providing for the applicant 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 Adopt this report and DENY the proposal.

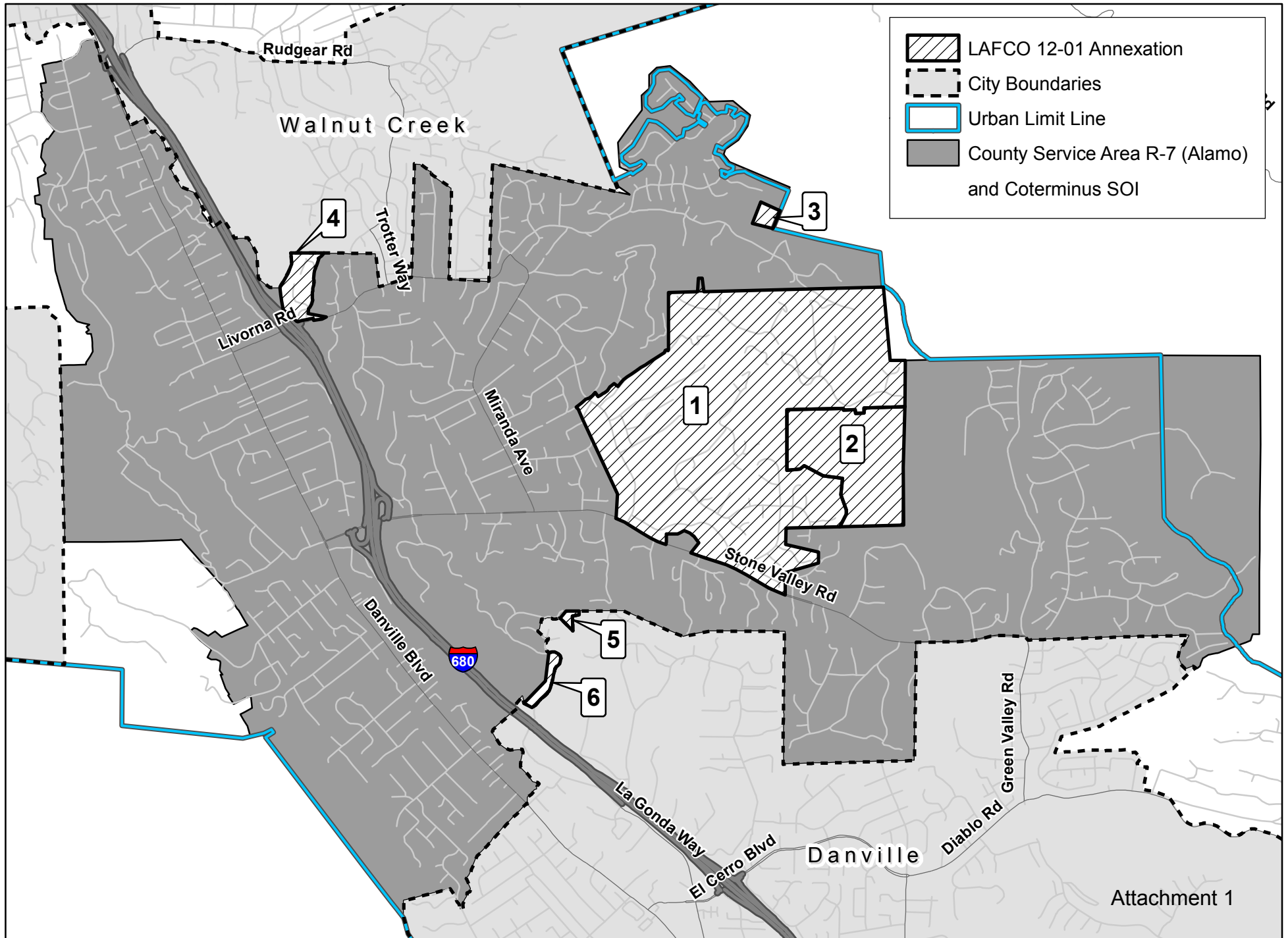
Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:





Approve Option 1.

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

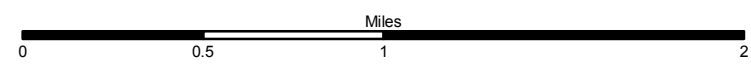
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Legend

-  LAFCO 12-01 Annexation
-  City Boundaries
-  Urban Limit Line
-  County Service Area R-7 (Alamo) and Cotermimus SOI

Attachment 1



RESOLUTION NO. 12-01

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
COUNTY SERVICE AREA R-7 (ZONE A) ROUND HILL ANNEXATION**

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 annexation 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. That Commission determines the project is exempt from environmental review pursuant to CEQA Guidelines, Section 15061(b)(3).
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

COUNTY SERVICE AREA R-7 (ZONE A) ROUND HILL ANNEXATION

4. 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.
5. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
6. That the applicant delivered an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

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7. The territory proposed for annexation is inhabited.
8. 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.
9. 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 9th day of May 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DON TATZIN 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: May 9, 2012

Lou Ann Texeira, Executive Officer