

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 13, 2012 (Agenda)

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Agenda Item 6

LAFCO 11-12 Bridgehead Road Annexation to Ironhouse Sanitary District (ISD)

PROPONENT ISD by Resolution No. 11-17 adopted December 6, 2011

ACFREAGE & LOCATION The applicant proposes to annex 1.383± acres (three parcels) located on Bridgehead Road in the City of Oakley (APNs 051-040-041/-063/-064).

SYNOPSIS

ISD filed an application with LAFCO to annex the properties to the District. The three property owners have petitioned the District for services. The purpose of the annexation is to extend municipal sewer service to the properties. The properties are adjacent to the ISD boundaries and house commercial uses.

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 areas proposed for annexation are within ISD's SOI and within the County Urban Limit Line; and all parcels are located in the City of Oakley.

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

The City of Oakley General Plan and zoning designations for the subject properties are Business and Business/Light Industrial, respectively. No further development of the properties is permitted, and no changes are proposed to General Plan or zoning designations as part of this proposal.

Surrounding land uses include business parks to the east, north and south and Highway 160 to the west.

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

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation agreements.

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

The topography of the annexation area is flat. Directly to the west of the annexation area is Highway 160, which is elevated. Areas to the north, south and east of the annexation area are relatively flat. There is a retention basin and engineered levees to the east.

5. **Population:**

The area is designated for commercial/light industrial uses and there is no potential to increase the population within the annexation area.

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. 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 within the Affected Territory," as required by Government Code §56653, is on file with LAFCO. The properties proposed for annexation are served by various local agencies including, but not limited to, the City of Oakley, East Contra Costa Fire Protection District, Contra Costa Water District (CCWD) and Diablo Water District (DWD).

The proposal before the Commission is to annex the properties to ISD for the provision of sanitary sewer service, including collection, treatment and disposal.

ISD currently serves an estimated population of 34,000 residents in a 37-square-mile service area. ISD's wastewater collection system consists of 120 miles of sewer mains, 25 miles of pressure pipelines, and 34 pump stations.

The District's average dry weather flow is approximately 2.5 million gallons per day (mgd) of wastewater. The wastewater treatment plant design capacity is approximately 4.3 mgd.

The area proposed for annexation could potentially extend service to several commercial facilities with an estimated maximum demand for service of approximately 1,000 gallons of wastewater per day. ISD is able and willing to serve the three properties.

The three properties are currently utilizing a combination of septic tank systems and a portable toilet.

With regard to infrastructure and improvements, ISD indicates that if only one parcel desires to connect, the District will allow, on a temporary basis, installation of a small residential grinder pump station and connection to the existing 4-inch forcemain on Bridgehead Road. If and when the other two parcels desire to connect to the ISD system, a new gravity sewer will need to be installed with connection to an existing pump station currently operable in the ISD service area.

With regard to funding, all capital costs, including any required sewer main extensions along with connection fees, will be borne by the property owners. ISD funds the maintenance of all sewers through its annual sewer service charge.

8. Timely Availability of Water and Related Issues:

The area proposed for annexation is served by CCWD and DWD. CCWD provides wholesale water, retail water, wastewater collection and wastewater treatment services for an area of 220+ square miles in Contra Costa County, serving 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. DWD serves the City of Oakley and unincorporated areas including Hotchkiss Tract, the East Cypress Corridor Specific Plan Area, and Summer Lakes development; the Town of Knightsen; and communities on Bethel Island including Delta Coves. DWD supplies treated water to the annexation area.

The proposed annexation would have a minimal 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 area 19092. The assessed value for the properties proposed for annexation is \$947,402 (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, ISD filed a Notice of Exemption finding that the proposed annexation is exempt from CEQA pursuant to CEQA Guidelines Section 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 no registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered uninhabited.

ISD has obtained written consent to the annexation from all of the affected landowners; therefore the protest proceedings are hereby waived. All landowners within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the June 13 LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within ISD's SOI and is contiguous to existing ISD boundaries.

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 as submitted.
- A. Determine that ISD, as Lead Agency, found the project to be Categorically Exempt pursuant to CEQA, Section 15061(b)(3).
 - B. The Commission determines the project is exempt pursuant to CEQA Guidelines, consistent with the determination of ISD acting as Lead Agency.
 - C. Adopt this report and approve the proposal, to be known as the Bridgehead Road 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 ISD has delivered an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 - D. Find that the subject territory is uninhabited, that the annexing agency has consented to waiving the conducting authority proceedings, and that 100% of the affected landowners have consented to the annexation. The Commission hereby waives the protest hearing and directs 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

RESOLUTION NO. 11-12

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
BRIDGEHEAD ROAD ANNEXATION TO IRONHOUSE 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. Determine that ISD, as Lead Agency, found the reorganization areas categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), General Rule exemption.
2. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3), consistent with the determination of ISD acting as Lead Agency.
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

BRIDGEHEAD ROAD ANNEXATION TO IRONHOUSE 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.
7. The district delivered an executed indemnification agreement between the district and Contra Costa LAFCO providing for the district to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.

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8. The annexation area is uninhabited.
9. The proposal has 100% landowner consent; thus, said conducting authority proceedings are hereby waived.
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 13th day of June 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: June 13, 2012

Lou Ann Texeira, Executive Officer

LAFCO No. 11-12: Westside Bridgehead Road Annexation to Ironhouse Sanitary District

