

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2013 (Agenda)

July 10, 2013
Agenda Item 6

LAFCO 13-02

Sphere of Influence Amendments – Rodeo Sanitary District

SUMMARY

This is a proposal submitted by the Rodeo Sanitary District (RSD) to expand the District's sphere of influence (SOI) to include $61\pm$ acres in four areas as described below and depicted on the attached map (Attachment 1). The District has also submitted corresponding annexation applications.

- **Area 1** – area surrounding Rodeo Marina ($26.8\pm$ acres, including $10.76\pm$ acres of land)
- **Area 2** – narrow strip of land that lies between the Union Pacific right of way and just north of San Pablo Ave, owned by East Bay Regional Park District ($1.09\pm$ acres)
- **Area 3** - narrow strip of land that lies between the Union Pacific right of way and just north of San Pablo Ave, currently has residential apartments and small businesses ($0.63\pm$ acre)
- **Area 4** – Bayo Vista Housing Authority complex ($32.76\pm$ acres)

In addition to the above areas, LAFCO staff recommends adding a fifth SOI adjustment (**Area 5**) to bring the area located north of Viewpoint Blvd. and Donald Drive into the District's SOI, as this area is already within RSD's service boundary.

The purpose of the SOI amendments is to facilitate the future annexation of properties currently receiving sewer service into the RSD boundary, allow for the extension of sewer service to other properties, and correct boundary/SOI discrepancies. The District has submitted two corresponding annexation proposals to annex the Rodeo Marina area and Bayo Vista apartment complex.

BACKGROUND

Rodeo Sanitary District - RSD is an independent special district formed originally in 1914 that provides sanitary sewer services. The District serves the unincorporated communities of Rodeo and Tormey, located adjacent to San Pablo Bay. RSD encompasses $1.4\pm$ square miles and serves approximately 8,717 residents. The District's SOI is not coterminous with its service boundary.

The District serves three non-contiguous service areas: an area of medium density single family residential, north of Willow Avenue; a small area designated for public use west of San Pablo Avenue; and an area primarily designated for heavy industrial use west of Crockett.

In 2008, LAFCO completed the West County Water/Wastewater Municipal Service Review (MSR). The MSR noted that RSD is currently providing service to the Bayo Vista apartment complex, which is outside RSD's boundary. The District seeks to add this property (Area 4) to the RSD SOI and service boundary.

In addition, RSD is looking to add the Rodeo Marina area, including two parcels that are currently receiving sewer service through the District. Land uses in this area include commercial and recreational.

LAFCO Law - 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 areas for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's sphere 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.

The CKH Act requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency's SOI. Once an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

LAFCO Municipal Service Review (MSR) - State law requires LAFCO to review and update the SOI of each local agency not less than every five years, as necessary. In conjunction with an SOI update, LAFCO must prepare an MSR.

In August 2008, LAFCO completed the *West County Water/Wastewater MSR* covering three cities and five districts, including RSD. The MSR included the following three SOI/governance options for RSD:

1. ***Retain existing SOI and maintain the status quo***
2. ***Consolidate sanitary sewer service with a portion of Hercules*** - The City of Hercules provides wastewater services within its corporate boundaries to the south of RSD. There may be an opportunity for RSD to provide treatment for two subdivisions within the northern portion of the city. The MSR determined that further study would be required to determine the costs/benefits of a consolidation.
3. ***Amend the SOI and annex areas currently being served by RSD*** (including the Bayo Vista complex).

In conjunction with the 2008 MSR, LAFCO reaffirmed the District's SOI and encouraged RSD to annex those areas currently receiving out of agency service.

DISCUSSION

LAFCO has received applications to amend the RSD's SOI and annex the Rodeo Marina and surrounding areas (Areas 1, 2 and 3), and the Bayo Vista apartment complex (Area 4) as shown on the attached map.

As indicated above, the SOI amendments will facilitate the proposed annexation of those properties currently receiving sewer service into the RSD boundary, which include the Bayo Vista apartment complex and two parcels in the Rodeo Marina Area. The proposed SOI amendments and annexations will also allow for the extension of sewer service to other properties, and correct an SOI discrepancy.

Sphere of Influence Determinations - 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.*

Present land uses are as follows: **Area 1** – designated commercial/recreational and includes a marina, marina related businesses, a restaurant/bar and vacant land; **Area 2** - is owned by East Bay Regional Parks (Lone Tree Park) and is designated for public recreational/trail uses; **Area 3** – mixed uses including residential and commercial/recreation and includes apartments, small businesses and vacant land; **Area 4** – designated multi-family residential high density (Bayo Vista Housing Authority, 52 multi-family dwelling units) and public/semipublic. This area is built out. **Area 5**– single family residential development along Viewpoint Blvd. already within the District's service boundary. The proposal area is within the countywide Urban Limit Line. There are no current Williamson Act Land Conservation Agreements within the project site and the proposed SOI amendment will facilitate no changes in land use.

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

There is present and probable need for sewer services with the current residential and commercial uses and proposed marina development. The County is currently processing a permit for a small scale winery with tasting room and retail sales of wine.

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

RSD encompasses 1.4± square miles and serves approximately 8,717 residents. The District's wastewater collection system consists of 25 miles of sewer mains with two pump stations and two force mains. The majority of RSD's system operates with gravity flow, along with pumping stations and force mains. RSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately .5 million gallons per day (mgd) of wastewater. The District's wastewater treatment plant has a permitted discharge limit of 1.14 mgd. RSD indicates that it is willing and able to provide services to the proposal areas.

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 subject area is located in unincorporated Rodeo and is part of the social and economic Rodeo community. The proposal area will benefit from services provided by RSD.

5. The nature, location, extent, functions and classes of service to be provided.

RSD serves the unincorporated Rodeo and Tormey communities located adjacent to San Pablo Bay. The District provides wastewater collection, treatment, and disposal services, and contracts for solid waste collection service for Rodeo with the Richmond Sanitary Service.

Environmental Impact of the Proposal - With respect to the environmental review, the District, as Lead Agency, has determined that the inclusion of the Bayo Vista Housing Authority area is exempt from the California Environmental Quality Act (CEQA) as there is no underlying project. Further, the property is already receiving sewer services, and this is essentially a boundary clean-up.

Regarding the marina and surrounding areas, these parcels are included in Contra Costa County's Environmental Impact Report (EIR) for the Rodeo Downtown Waterfront General Plan Amendment and Specific Plan (certified August 1997, SCH#95033055). The County conducted a subsequent assessment of environmental effects of the proposed annexation in the form of an Environmental Checklist, which

concluded that "...no new effects could occur or no new mitigation measures would be required that were not examined in the Rodeo Downtown/Waterfront Specific Plan EIR, adopted August 12, 1997, per Section 15168(c)(2) of the CEQA Guidelines. The proposed project is within the scope of the project covered by the program EIR and no new environmental document is required (adopted December 6, 2010).

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 expansions to the RSD's SOI to include the five areas as shown on the attached map (Attachment 1).

- A. For the Bayo Vista Housing Authority (Area 1) and the area located north of Viewpoint Blvd. and Donald Drive (Area 5), determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
- B. For the Marina and surrounding areas (Areas 2, 3 and 4), certify that LAFCO has reviewed and considered the information contained in the Rodeo Downtown/Waterfront Specific Plan EIR and related environmental documentation as prepared and certified by the County of Contra Costa (Lead Agency), including the associated Mitigation Monitoring and Reporting Program, and adopt the County's Findings of Fact.
- C. Adopt this report and amend the RSD's SOI described herein and shown on the attached map.

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

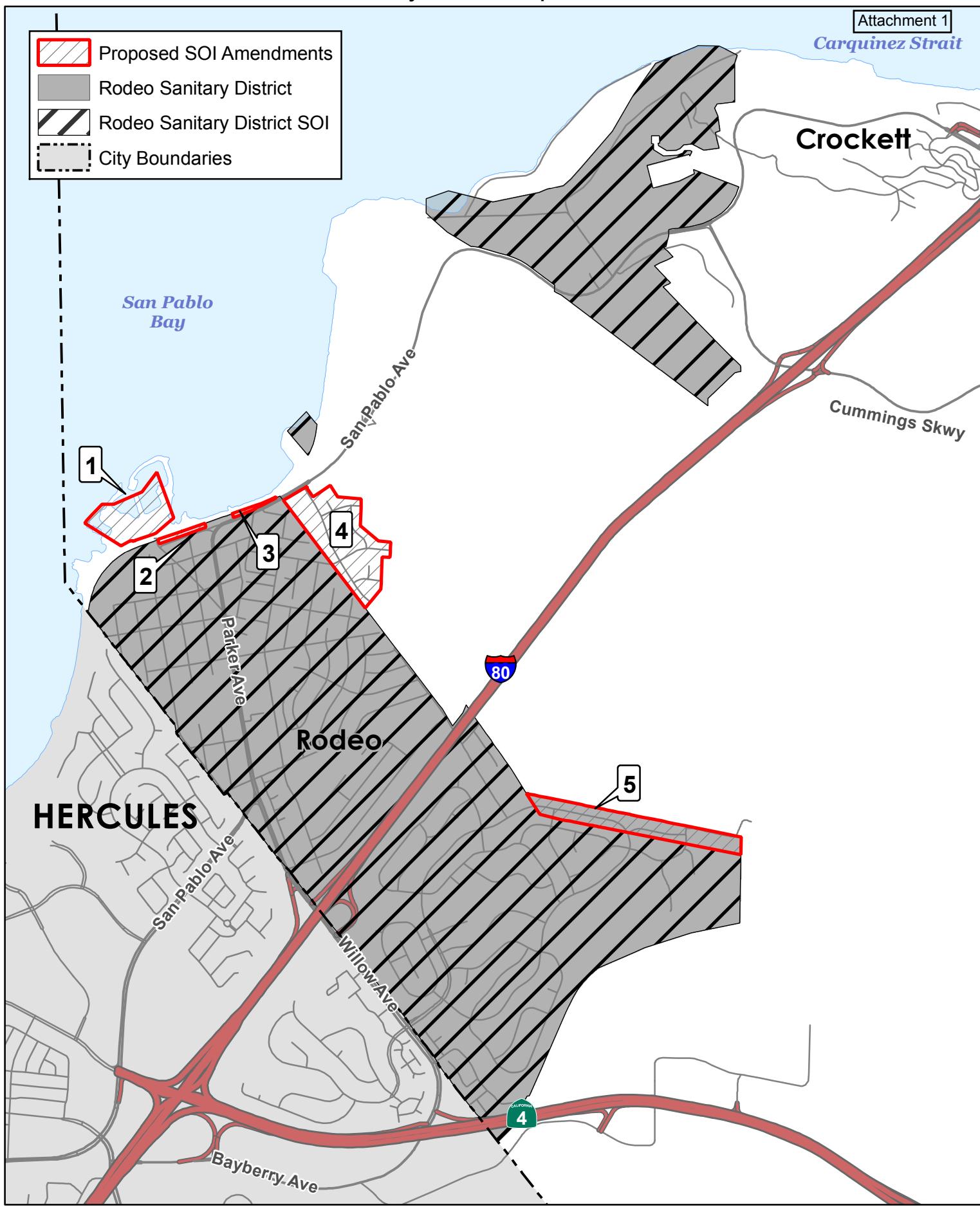
Attachments

- 1 - Map – RSD Proposed SOI Amendments
- 2 - Draft LAFCO Resolution – RSD SOI Amendment

c: Steve Beall, General Manager, RSD
Maureen Toms, Contra Costa County Dept. of Conservation & Development

LAFCO 13-02 Rodeo Sanitary District Sphere of Influence Amendments

Attachment 1



Map created 05/21/2013
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

Feet
0 750 1,500 3,000



SPHERE OF INFLUENCE RESOLUTION NO.13-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
OF THE RODEO SANITARY DISTRICT – BAYO VISTA HOUSING AUTHORITY AND RODEO MARINA**

WHEREAS, a proposal to expand the sphere of influence (SOI) of the Rodeo Sanitary District (RSD) was filed by RSD 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, SOI 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 proposed expansion to the SOI of the RSD to include a total of 61± acres in five areas including Bayo Vista Housing Authority and Rodeo Marina areas located in the unincorporated Rodeo community.
2. For the Bayo Vista Housing Authority (Area 1) and the area located north of Viewpoint Blvd. and Donald Drive (Area 5), determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
3. For the Marina and surrounding areas (Areas 2, 3 and 4), certify that LAFCO has reviewed and considered the information contained in the Rodeo Downtown/Waterfront Specific Plan Environmental Impact Report and related environmental documentation as prepared and certified by the County of Contra Costa (Lead Agency), including the associated Mitigation Monitoring and Reporting Program, and adopt the County's Findings of Fact.
4. The RSD SOI is hereby modified in the areas as shown on the attached map (Exhibit A).
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.

Present land uses are as follows: **Area 1**– designated commercial/recreational and includes a marina, marina related businesses, a restaurant/bar and vacant land; **Area 2**- owned by East Bay Regional Parks (Lone Tree Park) and is designated for public recreational/trail uses; **Area 3**– mixed uses including residential and commercial/recreation and includes apartments, small businesses and vacant land; **Area 4**– designated multi-family residential high density (Bayo Vista Housing Authority, 52 multi-family dwelling units) and public/semipublic. This area is built out. **Area 5**– single family residential development along Viewpoint Blvd already within the District's service boundary. The proposal area is within the countywide Urban Limit Line. There are no current Williamson Act Land Conservation Agreements within the project site and the proposed SOI amendment will facilitate no changes in land use.

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

There is present and probable need for sewer services with the current residential and commercial uses and proposed marina development. The County is currently processing a permit for a small scale winery with tasting room and retail sales of wine.

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

RSD encompasses 1.4+ square miles and serves approximately 8,717 residents. The District wastewater collection system consists of 25 miles of sewer mains with two pump stations and two force mains. The majority of RSD's system operates with gravity flow, along with pumping stations and force mains. RSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately .5 million gallons per day (mgd) of wastewater. The District's wastewater treatment plant has a permitted discharge limit of 1.14 mgd. RSD indicates that it is willing and able to provide services to the proposal areas.

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 subject area is located in unincorporated Rodeo and is part of the social and economic Rodeo community. The proposal area will benefit from services provided by RSD.

The nature, location, extent, functions and classes of service to be provided.

The District provides wastewater collection, treatment, and disposal services, and contracts for solid waste collection service for Rodeo with the Richmond Sanitary Service. RSD serves the unincorporated Rodeo and Tormey communities located adjacent to San Pablo Bay.

* * * * *

PASSED AND ADOPTED THIS 10TH day of July 2013, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, 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: July 10, 2013

Lou Ann Texeira, Executive Officer