

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 8, 2014
Agenda Item 10

January 8, 2014 (Agenda)

LAFCO 12-07 Northeast Antioch Reorganization (Area 2B) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6.

PROPONENT City of Antioch (by Resolution)

ACREAGE & LOCATION Area 2B comprises 103± acres (100± parcels) and is located south of Wilbur Avenue and roughly centered on Viera Avenue (Attachment 1).

PURPOSE The City submitted the application to annex Area 2B. The area is predominantly occupied by older residential dwelling units, the majority of which were constructed in the 1940s and 1950s. Nearly all of the residential units in the area rely on onsite potable water and septic systems. According to the County Environmental Health Department, few, if any, of these onsite systems meet the current minimum separation requirements between the boundary of the septic field and the potable water well head. Further, most of the wells are old and lack an impervious casing to protect the well from infiltration from nearby septic fields. There is a need for municipal services to the area, which the City can provide.

SYNOPSIS

This is one of three separate boundary reorganization proposals submitted by the City of Antioch to annex Northeast Antioch to the City and to DDSD (Area 1, Area 2A, Area 2B) – see agenda item #9 for a map depicting all three areas. The Area 1 reorganization proposal is also on the Commission's January 8th agenda. In total, these areas comprise 678± acres and have significantly different characteristics and land uses.

This report is for Area 2B, a proposal to annex 103± acres to the City of Antioch and to DDSD, and to detach the same area from CSA L-100, the County street lighting district, and from CSA P-6, the County police district.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed change of organization or reorganization as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it

must be consistent with the jurisdiction's adopted SOI. The annexation area is within both the City of Antioch and the DDSO SOIs, and within both the City and County voter-approved Urban Limit Lines.

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

The land in Area 2B is primarily residential, with limited commercial and industrial areas, a cemetery and some agricultural land (grape vines). The County General Plan and zoning designations for Area 2B include Heavy Industrial, Open Space, Public and Semi-Public, Single Family Residential High Density and Single Family Residential Medium Density.

The City's General Plan designations for Area 2B are similar to the County's and include Medium Low Density Residential, Open Space, Medium Density Residential, and Business Park. The City has rezoned Area 2B as a "Study" district, that will "grandfather" in the existing County zoning requirements, and allow the City to develop a land use category that will best fit the area. Pursuant to the CKH Act, no subsequent change can be made to the General Plan or zoning for the annexed territory that is not in conformance with the rezoning designations for a period of two years after the completion of the annexation, unless a substantial change in circumstances has occurred (Gov. Code §56375).

Area 2B is built out; no changes in land uses are proposed.

Surrounding land uses include light industrial and vacant land to the east, residential to the west, heavy industrial and vacant land to the north, and a cemetery to the south.

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

The State Department of Conservation produces a map every two years which identifies California's agricultural lands (e.g., Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Grazing Land, etc.) based on ratings that take into account soil quality and irrigation status.

Both LAFCO law and the California Environmental Quality Act (CEQA) provide their respective definitions of "agricultural land" and "prime agricultural land."

Under CEQA, the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

As noted in the City's environmental analysis, the Northeast Antioch reorganization area includes a total of 28.6± acres of Farmland of Statewide Importance, of which 7.1± acres are within Area 2B. There are existing grape vines within a PG&E easement located in Area 2B.

The City's CEQA document provides an analysis of impacts to agricultural lands using both CEQA and LAFCO definitions, and concludes that the project will not result in any changes to zoning or other land use policies or changes in the land uses in the area. Land currently being used for agricultural purposes would continue in such uses; therefore, annexation of the area to the City of Antioch would have no impact on the agricultural lands in the area.

Further, no portion of the reorganization area is under a Williamson Act Land Conservation Agreement.

4. Topography, Natural Features and Drainage Basins:

Area 2B is built out with no significant natural features. The area surrounding Area 2B has similar topography. The San Joaquin River is located approximately one-half mile north of the reorganization area.

5. Population:

The area is primarily residential and is built out; no increase to the population is anticipated.

6. Fair Share of Regional Housing:

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. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Gov. Code §65584). No new development is proposed for Area 2B, thus, there is no impact to regional housing needs associated with the proposed reorganization.

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

Whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area (Gov. Code §56653). The plan shall include all of the following information and any additional information required by LAFCO:

- (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 City has provided a "Plan for Services." The level and range of services will be comparable to those services currently provided within the City. City services will be needed to support future development in the area. As part of the reorganization proposal, the City and County have entered into both a tax sharing and infrastructure agreements.

Following annexation, the City will provide a range of municipal services to Area 2B, including police, streets and roads, drainage, parks & recreation, library, and other services to the area. Fire services will continue to be provided by the Contra Costa County Fire Protection District (CCCFPD).

The City of Antioch also provides sewer collection and retail water services. These services will be provided in accordance with the City/County Joint Exercise of Powers Agreement.

Police Services – Law enforcement services are currently provided to Area 2B by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City of Antioch, and the area will be detached from the County's police services district (CSA P-6) .

The City's standard for providing police services is 1.2 sworn officers per 1,000 residents. By including Community Service Officers in the sworn officer category, Antioch maintains this ratio. Police response times are dependent on the agency's staffing level and size of the jurisdiction served. The Antioch General Plan establishes a response time goal of 7-8 minutes for Priority 1 (emergency) calls. The Antioch Police Department reports that the average response time is 11 minutes due to a lack of staffing. The City estimates that the annexation of Areas 2A and Area 2B to the City would add an estimated 320 residents to the City, generating the need for approximately 0.5 new officers. The City concludes that the three Northeast Antioch annexation areas would not significantly impact or worsen the ratio of police staff to population or adversely affect the response times.

Streets and Roads – The City indicates that the road network is already in place in Area 2B. The City anticipates that as development occurs in Area 1, appropriate frontage improvements will be made to existing public streets in Areas 1 and 2B. The City currently maintains 314 total centerline miles 669 total lane miles. There are approximately two miles of public streets in Area 2B which would be added to the City's road inventory following annexation, and one mile of private roads (not maintained by the City),

Street Lighting - The City oversees repair and maintenance of nearly 7,400 street lights. As reported in LAFCO's 2013 Municipal Service Review (MSR) covering street lighting, the City of Antioch has one of the highest lighting densities in the County. The LAFCO MSR report also noted that there are a number of unserved areas in the County, including North Antioch. Following annexation, Area 2B will be detached from the County's street lighting district (CSA L-100). The City indicates that it will install street lights in Area 2B when the need arises.

Drainage – The City indicates that there are currently no drainage facilities that serve the annexation area; however, there are two large storm drain trunk lines that cross Wilbur Avenue and drain into the San Joaquin River. Any future drainage infrastructure constructed in conjunction with new development in Area 1 will likely connect to these existing lines. Capacity in the existing storm drain lines is limited, and significant new development within the Northeast Antioch reorganization area (Areas 1, 2A, 2B) will require construction of a new outfall to the San Joaquin River.

Parks & Recreation – The City of Antioch has 33 parks. The City's General Plan Performance Standards for parks five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 residents, including appropriate recreational facilities. The City exceeds this standard when the trail system, the Costa Loma Regional Park, and the Lone Tree Golf Course are factored in. There are currently no public parks in the Northeast Antioch reorganization area, although the Gaylord Sports Complex is adjacent to Area 2B, and the adjacent marinas in Area 2A provide recreational opportunities.

Based on the number of residents in Area 2B, over one acre of improved parkland would be needed under the City's current standard. As a practical matter, the City does not typically construct park facilities of less than five acres in size, with 8-10 acres being the preferred minimum park size. Given this fact, and that there is an existing City park located less than one-half mile from Area 2B (within the Almondridge development), the City does not intend to add parkland as a result of this annexation. However, a portion of the tax revenue generated from Area 1 could be used to enhance the facilities in the existing nearby park.

The City operates a comprehensive recreation program including aquatics, sports, leisure time activities, community and cultural events, Prewett Family Water Park, Senior Center, youth activities, excursions, and 300 instructional programs for pre-school, youth, adult, seniors, and on-line.

Other Services – The City provides a multitude of other services, including art & cultural, capital improvements, code enforcement, landscape maintenance, library and special services which will be extended to Area 2B following annexation.

Fire Protection – Fire and emergency medical services are, and will continue to be provided by CCCFPD following annexation. There are four fire stations located in Antioch. Station 81 is located in the downtown area at 315 W. 10th Street; Station 82 is located at 196 Bluerock Drive, just west of Lone Tree Way in the south central portion of the City; Station 83 is located at 2717 Gentrytown Drive, just south of Buchanan Road in the western portion of the City; and Station 88 is located at 4288 Folsom Drive, just east of Hillcrest Avenue in the eastern portion of the City.

The City's CEQA document concludes that the annexation will result in no change to fire services and no impacts will occur.

Sewer Services – The City provides wastewater collection services, while DDS D provides conveyance, treatment and disposal services to the City (**Note:** See Area 1 staff report for wastewater services overview and a discussion of existing infrastructure).

Sewer, water and storm drain infrastructure in Area 2B are minimal. As noted above, most of the properties in Area 2B utilize onsite septic systems. The City and County have entered into a Joint Exercise of Powers Agreement (JEPA) for funding future water, sewer, and storm drain infrastructure improvements in Area 2B to enhance the infrastructure in the area and address public health and safety issues. The JEPA addresses funding, plan review and building inspection services, and provides details regarding infrastructure improvements.

Details regarding demand and capacity are summarized in the Area 1 staff report. It is estimated that all three reorganization areas (Areas 1, 2A, 2B) have an existing estimated the average dry weather flow (ADWF) of 2.42 mgd which will increase to 3.71 mgd at buildout.

Both the City and DDS D indicate that they have the capacity to serve the Northeast Antioch reorganization area.

8. Timely Availability of Water and Related Issues:

LAFCO must also consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service shall provide information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The City provides water treatment and distribution services, with 328 miles of main, seven pump stations and 11 reservoirs. The City obtains a majority of its water supply from CCWD. (**Note:** See Area 1 staff report for water services overview and a discussion of existing infrastructure).

The City, in its Water Master Plan, examined the City's ability to serve all three subareas. The analysis documents that given the City's allocation of raw water and the City's rights to future water supplies of raw water, and based on the City's current and planned treatment capacity, the City has the ability to provide potable water to all three subareas based on the level of existing and future development.

9. Assessed Value, Tax Rate Areas and Indebtedness:

The annexation area is within tax rate areas 53004 and 53026. The assessed value is \$14,072,541 (2012-13 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable.

10. Property Tax Exchange

Revenue and Taxation Code §99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change. Both the City and County have adopted resolutions approving a tax revenue allocation agreement covering all three annexation areas.

11. Environmental Impact of the Proposal:

The City of Antioch, as Lead Agency, prepared and adopted the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration (IS/MND). The City's IS/MND identified potentially significant impacts resulting from Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials and Noise. Mitigation measures have been provided for each potentially significant impact, reducing all to a less than significant level. Copies of the City's document were previously provided to Commissioners and are available for review in the LAFCO office. The LAFCO Environmental Coordinator finds the City's CEQA document sufficient for LAFCO purposes.

12. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in Area 2B; thus, the area is considered inhabited. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the January 8 LAFCO hearing.

Less than 100% of the affected landowners/voters have provided written consent to the annexation. In some situations, the Commission's approval of an annexation is subject to protest proceedings. There are exceptions to the requirement to hold a protest hearing. One exception is if the area proposed for annexation meets the "small island" criteria set forth in Government Code section 56375.3 as discussed below.

13. Small Island Provisions

Included among LAFCOs' charges are discouraging urban sprawl and encouraging logical and orderly local agency boundaries to promote the efficient extension of municipal services.

Since the enactment of the Knox-Nesbitt Act in 1963, unincorporated islands have been a concern for LAFCOs in that islands result in illogical boundaries and difficulty and confusion in the delivery of municipal service. Annexation of islands to cities is usually preferred, as it often results in a higher level of local service for the island residents. LAFCO law contains various provisions that encourage the annexation of islands (i.e., Gov. Code

§§56375, 56375.3, 56668), and provisions that discourage the creation of islands (i.e., 56744, 56757).

Since 1977, LAFCO law has contained provisions to encourage the annexation of small islands to cities, and provides an expedited process (without protest proceedings) for doing so. Current law (Gov. Code §56375.3) provides that the Commission *shall* approve annexation of an island if the island meets certain conditions, including size (150 acres or less) and characteristics (i.e., surrounded or substantially surrounded by a city or by a city and adjacent cities and/or the Pacific Ocean). The terms “surrounded or substantially surrounded” are not defined by statute, and interpretations are left to the discretion of each LAFCO.

There has been recent legislation that supports the annexation of islands and the promotion of service efficiencies, including SB 375 (2008) relating to greenhouse gas emissions and sustainable communities, and SB 244 (2011) which encourages annexation and extension of services to DUCs, as discussed above. More recently, in 2012, the Legislature passed AB 743 which removed the January 1, 2014 sunset date related to the streamlined process to annex small islands to cities. AB 743 maintains an effective tool for LAFCOs to facilitate logical and orderly boundaries and the efficient delivery of municipal services, and improve services to disadvantaged and distressed neighborhoods.

Unincorporated islands continue to be a problem throughout the State, and result in service confusion and inefficiencies. In February 2012, the Commission received a report on small islands; and in August 2011 and April 2013, the Commission identified the annexation of small islands as a priority as part of its strategic planning efforts.

Contra Costa County has 16 islands that are less than 150 acres and meet the small island criteria established in LAFCO law. Nearly all of these small islands are urbanized and over half are built out or nearly built out.

In June 2012, the California Attorney General (AG) issued an Opinion regarding small island annexations under Government Code section 56375.3, and what constitutes an “entire island.”

Given the priority the Commission has placed on small islands annexations, and in response to the 2012 AG Opinion, and at the suggestion of City of Antioch staff, Contra Costa LAFCO adopted its own small island policy to recognize and harmonize the current statute with the 2012 AG Opinion. LAFCO’s small island policy includes the following provisions:

- a) *Whether unincorporated territory is an “island,” an “entire island or entire unincorporated island,” “part of a larger island,” “surrounded,” or “substantially surrounded,” are determinations to be made by the Commission, on a case by case basis, based on the evidence before it at the time those determinations are made.*
- b) *A small island of unincorporated territory that is connected to and an integral or essential part of a large unincorporated island is not an entire island and may not be annexed to a city without a protest proceeding [Gov. Code §56375.3(a)].*

- c) *A small island of unincorporated territory that is connected to, but not an integral or essential part of a large island, may be determined by the Commission to be an entire island or an entire unincorporated island [Gov. Code §56375.3(b)].*
- d) *The following factors may be considered by the Commission in determining whether unincorporated territory is an integral or essential part of a large unincorporated island: (a) topography, (b) geography, (c) land uses, (d) infrastructure and (e) patterns of service delivery.*

The CKH Act empowers LAFCO to determine the boundaries of any proposals before it [Gov. Code §56375(f)]. Therefore, it is up to each LAFCO to use its own discretion in making decisions related to annexations, including whether an unincorporated area is “substantially surrounded,” an “island,” an “entire island,” or now, “part of a larger island.”

Although Area 2B is connected to the Area 1 territory by a narrow strip, Area 2B is not an integral part of Area 1. Area 2B meets the criteria for the streamlined annexation provisions pursuant to Government Code section 56375.3, as Area 2B is under 150 acres and is substantially surrounded (i.e., 93%) by the City of Antioch. Further, Area 2B meets the island criteria established in the Contra Costa LAFCO policy. Area 2B differs significantly from Area 1 in terms of land use, as Area 1 is primarily heavy industrial, deep water port and some open space and public use areas; whereas, Area 2B is primarily residential, with limited commercial and industrial areas, a cemetery and some agricultural land. Area 2B has similar land uses as the incorporated area to the west, which is residential. Area 1 and 2B also differ in terms of topography and geography. Area 1 is located on the south bank of the San Joaquin River, near the western edge of the Sacramento River Delta. A portion of Area 1 immediately adjacent to the San Joaquin River is located within a 100-year flood hazard zone. Area 1 has a relatively flat topography with some sloping along the shoreline. The Antioch Dunes Wildlife Preserve is located in Area 1 and is characterized by gently rolling sand dunes; whereas, Area 2B is built out with no significant natural features.

Area 2B meets the small island criteria contained in both the CKH Act and in local LAFCO policy; therefore, Area 2B can be annexed to the City without a protest proceeding.

14. Boundaries and Lines of Assessment:

Area 2B is contiguous to existing City boundaries. A map and legal description to implement the proposed boundary change have been received and are being reviewed by the County Surveyor.

On January 8, the Commission will also be asked to consider the annexation of an adjacent area (Area 1) to the City and to DDS. Given the proximity of Area 2B to Area 1, and related boundary, infrastructure and service issues, the City and County request that the annexation of Area 2B be conditioned on the annexation of Area 1. LAFCO staff supports this request.

14. Environmental Justice

Another factor LAFCO must consider in its review of an application is the extent to which the proposal 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.

15. Disadvantaged Communities

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to MSRs, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, a portion of Area 2B meets the criteria of a DUC. Thus, annexation of this area to the City would bring a needed public service to a DUC. Further, there are provisions in LAFCO law which provide that a Commission shall not approve an annexation to a city of any territory greater than 10 acres, where there exists a DUC that is contiguous to the area proposed for annexation, unless an application to annex the DUC to the subject city has been filed with LAFCO (Gov. Code §56375). This is one of the reasons LAFCO has requested that the City annex Area 2B.

16. Comments from Affected Agencies/Other Interested Parties

No comments have been received to date.

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.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
- B. Adopt this report, approve the attached resolution (Attachment 2), and approve the proposal, to be known as **Northeast Antioch Reorganization (Area 2B) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6** subject to the following terms and conditions:
 1. The annexation of Area 2B shall be conditioned on the annexation of Area 1 (Gov. Code 56885.5). The Certificates of Completion for Area 2B and Area 1 shall be filed on the same date, and on the earliest reasonable date following LAFCO's action. Neither Area 2B nor Area 1 will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.

2. 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.
 3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory meets the requirements of the small island annexation provisions (Gov. Code §56375.3), as it is less than 150 acres, and is substantially surrounded by the City of Antioch. Further, than pursuant to Contra Costa LAFCO policies, Area 2B constitutes an entire unincorporated island, and is not an integral or essential part of a large island. Pursuant to the Government Code and local policy, the protest proceedings are hereby waived.

Option 2

- A. Certify it has reviewed and considered the information contained in the City's Mitigated Negative Declaration.
- B. Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION:

Option 1.

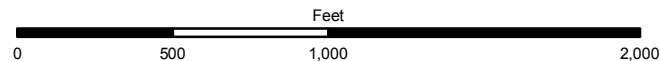
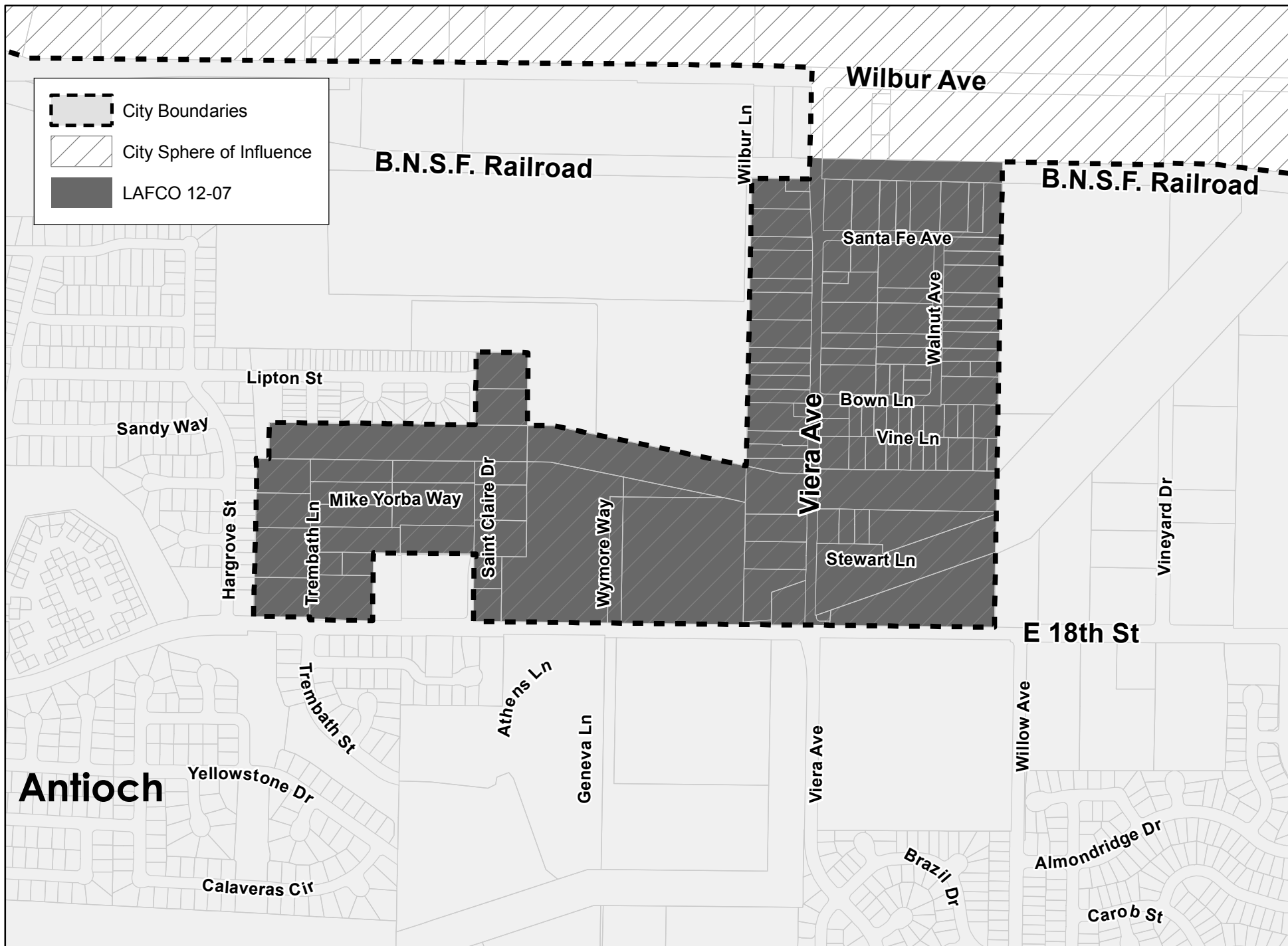
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

Attachments

1. Map of Area 2B Reorganization
2. Draft LAFCO Resolution

LAFCO No. 12-07 Northeast Antioch Area 2B Reorganization: Annexations to City of Antioch and Delta Diablo Sanitation District: Detachments from CSAs L-100 and P-6



RESOLUTION NO. 12-07

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
NORTHEAST ANTIOCH REORGANIZATION AREA 2B: ANNEXATIONS TO THE
CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT AND
DETACHMENTS FROM COUNTY SERVICE AREAS L-100 AND P-6**

WHEREAS, the Area 2B reorganization 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 Area 2B proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the Area 2B 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, Area 2B meets the requirements of the small island annexation provisions (Gov. Code §56375.3), as it is less than 150 acres, and is substantially surrounded by the City of Antioch. Further, pursuant to Contra Costa LAFCO policies, Area 2B constitutes an entire unincorporated island, and is not an integral or essential part of a large island; and

WHEREAS, the Local Agency Formation Commission determines the Area 2B 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. The Commission finds that as a Responsible Agency under the California Environmental Quality Act (CEQA), it has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
2. The reorganization of Area 2B shall be conditioned on the reorganization of Area 1 (Gov. Code 56885.5). The Certificates of Completion for Area 1 and Area 2B reorganizations shall be filed on the same date, and on the earliest reasonable date following LAFCO's action. Neither Area 1 nor Area 2B will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.
3. Said reorganization is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

Contra Costa LAFCO
Resolution No. 12-07

NORTHEAST ANTIOCH REORGANIZATION AREA 2B: ANNEXATIONS TO THE
CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT AND
DETACHMENTS FROM COUNTY SERVICE AREAS L-100 AND P-6

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 City of Antioch delivered an executed indemnification agreement between the City and Contra Costa LAFCO providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the Area 2B reorganization.
8. The territory proposed for reorganization is inhabited.
9. The proposal meets the requirements of the small island annexation provisions (Gov. Code §56375.3), and local LAFCO policies, and the protest proceedings are hereby waived.
10. All subsequent proceedings in connection with the Area 2B 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 8th day of January 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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: January 8, 2014

Lou Ann Texeira, Executive Officer