

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 11, 2018 (Agenda)

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Agenda Item 6

LAFCO 17-09 West County Wastewater District (WCWD) Annexation 317 (Sunborne Nursery)

APPLICANT WCWD by Resolution No. 17-025 adopted July 19, 2017

SYNOPSIS The WCWD proposes to annex 6.981± acres (APNs 408-203-006 and -011) located adjacent to 2206 Central Street in unincorporated North Richmond, as shown in Attachment 1. The property proposed for annexation is currently vacant with a caretaker's residence at 112 Brookside Drive. The landowner proposes to construct a new 72,417 square foot greenhouse with 41 off-street parking spaces, and renovate the existing 2,090 square foot caretaker's residence. The annexation will also include adjacent road rights-of-way totaling 0.76± acres (Brookside Ave and Pittsburg Ave) to avoid the creation of islands. The total acreage proposed for annexation is 7.741± acres.

DISCUSSION

The District filed an application with LAFCO to annex the properties to WCWD. The proposed annexation will facilitate the development of a new greenhouse and renovation of an existing residential unit.

Government Code §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, 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 WCWD's SOI, and within the County Urban Limit Line; the parcels are located in the unincorporated community of North Richmond.

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

The County General Plan designation for the subject parcels is Heavy Industrial. The County zoning on the parcels is P-1 (Planned Unit) - North Richmond Planned Unit District. Land use designations in the surrounding areas are industrial. Surrounding land uses include industrial development to the east and west and heavy industrial to the north and south. No changes are proposed to the General Plan or zoning designations as part of this proposal.

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

The subject property contains no prime farmland or land covered under Williamson Act Land Conservation agreements; there are no agricultural uses on the property proposed for annexation.

4. Topography, Natural Features and Drainage Basins:

The topography of the subject parcels and surrounding areas is flat; the majority of the site ranges in elevation from 13 to 16 feet above mean sea level. The subject property contains no significant topographic features.

5. Population:

No new residential development is proposed on the subject parcels; therefore, there is no projected population growth associated with this proposal.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider 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. No new residential development is proposed; thus, the proposed annexation will have no effect on regional housing needs.

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

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 (Gov. Code §56653). The plan shall include all of the following information and any additional information required by the Commission or the LAFCO 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 District's Plan for Providing Services is on file in the LAFCO office. The annexation area is served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection District, and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex two parcels to the WCWD for the provision of sanitary sewer service. WCWD provides wastewater collection, treatment and disposal services for a 16.9± square mile service area within the City of Richmond (40% of District), the City of San Pablo (15% of District), the City of Pinole (2% of the District) and other unincorporated areas within Contra Costa County (43% of the District). WCWD serves approximately 93,000 customers. The District's facilities include a water pollution control plant, 249 miles of sewer pipeline, and 17 pump stations. WCWD's wastewater treatment plant has capacity of 12.5 million gallons per day (mgd) dry weather capacity and 21 mgd wet weather treatment capacity.

Based on the proposed development of a greenhouse and renovation of an existing residential unit, the projected demand for wastewater service is approximately 3,875 gallons of flow per day. WCWD has infrastructure in the area which runs along the frontage of the property on Central Street. The District indicates that a 6-inch pipe will serve the two buildings, and that the District has adequate capacity to serve the proposed development.

8. Timely Availability of Water and Related Issues:

Water service is currently provided to the properties by EBMUD. The EBMUD service area is approximately 331 square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.3 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 146+ square mile service area, serving an estimated 477,212 residents.

EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply.

EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,046 acre-feet per year of water from the Mokelumne River. The County reported that EBMUD has reviewed the proposed development as part of the County's environmental review process, and confirmed that EBMUD can adequately serve the project.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 85084. The total assessed value for the annexation area is \$1,429,745 (2017-18 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The County and District will rely on the master tax transfer agreement for this annexation.

10. Environmental Impact of the Proposal:

Contra Costa County, as Lead Agency, prepared a Mitigated Negative Declaration (MND) and an Addendum in conjunction with the project. The 2016 IS/MND covered three parcels, including the two proposed for annexation, and evaluated the impacts of the proposed development project. The 2016 IS/MND identified potentially significant impacts in the environmental areas of aesthetics, hazardous materials, geology/soils, cultural resources and noise. The County's environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels.

The 2016 MND did not address annexation to the WCWD. Consequently, in 2018, the County prepared an Addendum to address the proposed annexation. Copies of the environmental documents were previously provided the Commission and are available in the LAFCO office. These environmental documents are sufficient for LAFCO's action.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are zero registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited.

WCWD indicates that 100% of the affected landowners have provided consent to the annexation. Thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). 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 July 11, 2018 LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within WCWD's SOI and contiguous to the District's service boundary. A map and legal description to implement the proposed boundary changes have been submitted and are subject to approval by the County Surveyor. Annexation of these two parcels and adjacent road rights-of-way will eliminate an island.

13. Environmental Justice:

LAFCO is required to consider the extent to which a change of organization or reorganization 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.

14. Disadvantaged Communities:

In accordance with state law, 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 Municipal Service Reviews, 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 Department of Conservation and Development, the area proposed for annexation meets the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties

No comments were received from other affected agencies or parties.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals and targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs), and focuses growth and development in nearly 200 PDAs. The area proposed for annexation is not within a PCA or a PDA; however, the proposed annexation does not appear to conflict with the regional transportation or growth plans.

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 annexation as proposed.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered information contained in Contra Costa County's 2016 Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program and 2018 Addendum (DP16-3008).

- B. Adopt this report, approve LAFCO Resolution No. 17-09 (Attachment 2), and approve the proposal, to be known as *West County Wastewater District Annexation No. 317 (Sunborne Nursery)* 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 WCWD has delivered an executed indemnification agreement providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

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:

Option 1 – Approve the annexation as proposed.

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

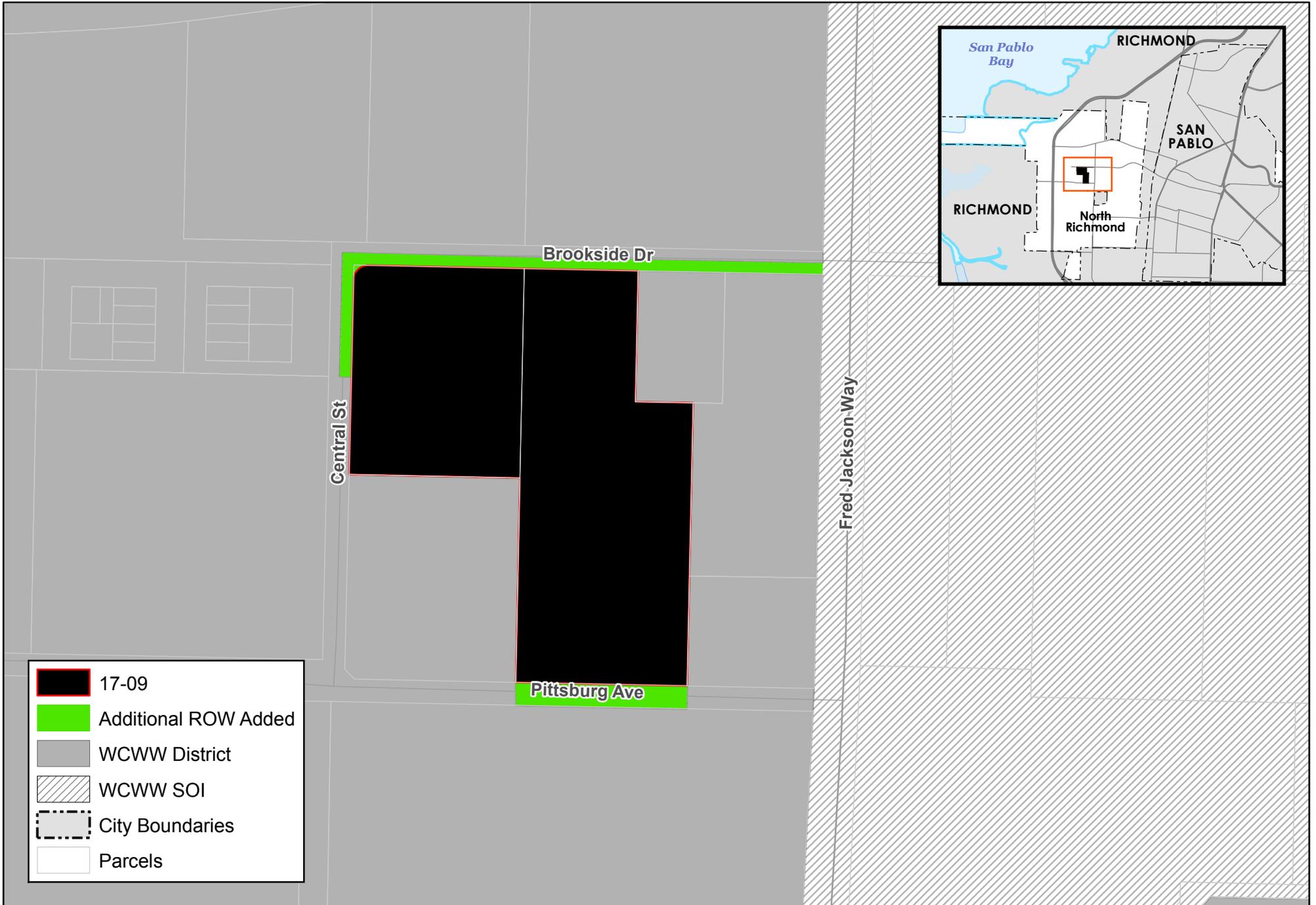
Exhibits

A – WCWD Annexation Map

B – Draft LAFCO Resolution 17-09

c: Distribution

LAFCO 17-09 West County Wastewater District Annexation 317 (Sunborne Nursery)



-  17-09
-  Additional ROW Added
-  WCWW District
-  WCWW SOI
-  City Boundaries
-  Parcels



RESOLUTION NO. 17-09

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
WEST COUNTY WASTEWATER DISTRICT (WCWD)
ANNEXATION NO. 317 (SUNBORNE NURSERY)**

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, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; 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 Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, at a public hearing held on July 11, 2018, 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, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the district's boundary, and related factors and information including those contained in Gov. Code §56668; 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 interest of the affected area and the 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. LAFCO, as a Responsible Agency under the California Environmental Quality Act (CEQA), has reviewed and considered information contained in Contra Costa County's 2016 Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program, and in the County's 2018 Addendum (DP16-3006), and finds that there are no direct or indirect environmental effects that would result from LAFCO's approval of the annexation; and therefore, no additional mitigation measures are required beyond those already included in the CEQA documents prepared by Contra Costa County.
2. The annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

WEST COUNTY WASTEWATER DISTRICT ANNEXATION NO. 317

4. The boundaries of the affected territory, including two parcels and adjacent road rights-of-way, 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 WCWD delivered an executed indemnification agreement between the WCWD and Contra Costa LAFCO providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
7. The territory proposed for annexation is uninhabited.
8. The proposal has 100% landowner consent, and the conducting authority (protest) 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 11th day of July 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MICHAEL R. MCGILL, 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: July 11, 2018

Lou Ann Texeira, Executive Officer