

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2019 (Agenda)

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Agenda Item 9

LAFCO 19-02 McCauley Annexation to East Contra Costa Irrigation District (ECCID)

PROPONENT ECCID - Resolution 2019-04, February 12, 2019
Sean McCauley, Landowner

SYNOPSIS This is an application to annex 40± acres comprised of two parcels (APNs 057-060-014 and -015) located at 7901 and 7921 Deer Valley Road in the City of Antioch (Exhibit 1).

Annexation will bring the subject property into the service boundary of ECCID and will allow for the extension of municipal water service to support the agricultural operations of future olive orchards and potentially two single family residential dwelling units and an agricultural structure. As proposed, ECCID will use ground water to serve the property. Details regarding water service and infrastructure are provided below.

DISCUSSION

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 subject area is within ECCID's SOI as approved by the Commission on June 12, 2019; and is within the City of Antioch's Urban Growth Boundary and Contra Costa County's Urban Limit Line.

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

The subject property is currently vacant. The City's "Roddy Ranch Focus Area" designation was instituted by Measure K, which was a voter initiative that approved the Roddy Ranch development in 2005; and the City's zoning designation is "S – Study Area.". Since then, much of the project was abandoned and the East Bay Regional Parks District acquired most of the property within the project site – excluding these two parcels, which are privately owned. City of Antioch staff indicates that the language in the initiative prevents the City from amending the General Plan designation until 2020, at which time the City will likely designate the area *Open Space* and *Agricultural Estate*. The current landowner intends to farm these two parcels and construct up to two residential units. The City of Antioch is unable to extend water to the subject parcels due to lack of nearby water infrastructure. City staff is supportive of LAFCO approving extension of non-treated water to these parcels for the stated uses.

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

The subject property is currently vacant and is surrounded by agricultural land. The future land use is primarily agricultural. The proposed annexation is consistent with the land use designations and will have no impact on agricultural and open space lands. The area is not subject to a Williamson Act contract.

4. Topography, Natural Features and Drainage Basins:

The topography of both the subject property and surrounding areas is generally flat with some rolling hills.

5. Population:

The current population in the area is zero, as the land is vacant. The proposal includes potential construction of two single family dwelling units. The potential population resulting from this proposal is estimated at 3-10 based on U.S. Census Bureau; American Community Survey, 5-Year Estimates 2013-2017.

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. The two proposed single-family residential units will be market value and 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 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 subject property is without the boundaries of various municipal service agencies including the City of Antioch and East Contra Costa Fire Protection District.

The proposed annexation will bring the subject area into the service boundary of ECCID to enable the extension of water services.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with boundary change proposals. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include 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 proposal before the Commission includes annexation of the subject property to ECCID for water service. ECCID's boundary encompasses 40± square miles and includes the City of Brentwood, portions of the cities of Antioch and Oakley, and the Knightsen community. The District serves approximately 8,000 irrigated acres, and a population of approximately 95,000. ECCID supplies irrigation water for agricultural, landscape and recreational uses, and raw water for

treatment and delivery to urban uses. The District's primary source of water supply is water diverted from Indian Slough on Old River (1912 appropriative rights).

While the subject parcels are in the City of Antioch, and the City provides treated water, the City of Antioch indicates there is no water infrastructure located near the subject parcels. Consequently, water will be provided by ECCID and the City of Brentwood, as needed; and the City of Brentwood will convey the water as explained below.

ECCID will use ground water to serve the subject property. ECCID currently serves properties to the west. The District General Manager indicates that ECCID has long term water capacity to serve the subject area.

The underground facility that conveys ECCID non-potable water to the subject area (former Roddy Ranch Golf Course) was constructed by the City of Brentwood in 1999 following annexation of the Roddy Ranch Golf Course into the District; and the City of Brentwood owns the conveyance infrastructure. The City of Brentwood staff has confirmed that pursuant to an agreement between the cities of Antioch and Brentwood and the property owner, that Brentwood will convey the ECCID water and can supply irrigation (recycled) water as needed to be used only for crops (olive trees). In sum, both ECCID and the City of Brentwood indicate they have the capacity to provide water to the subject area.

To serve the subject parcels, the City of Brentwood will extend irrigation lines from the existing 12-inch non-potable water line that serves the Roddy Ranch area. The estimated demand for water usage is 70 acre-feet per year. The landowner will install and maintain a meter; and all other improvements will be paid by the landowner.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 01007. The assessed value for the annexation area is \$401,492 (2018-19 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

ECCID, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15061(b)(3). LAFCO staff concurs with this finding.

11. Landowner Consent and Consent by Annexing Agency:

All landowners within the proposal area and within 300 feet of the subject area received notice of the LAFCO hearing. The sole landowner is the applicant and has consented to the proposed annexation. County Elections reports there are no registered voters in the subject area; therefore, the subject area is considered uninhabited and the protest hearing is waived.

12. Boundaries and Lines of Assessment:

Maps and legal descriptions to implement the proposed annexations have been received and are subject to final approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to consider the extent to which a 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:

Pursuant to 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 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's Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

To date LAFCO has received no comments.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Section 65080 [Gov. Code section 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 section 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. In 2017, ABAG/MTC released Plan Bay Area 2040, which updated the 2013 Plan Bay Area; and in August/September 2019, ABAG/MTC will kick off the Plan Bay Area 2050 process.

The Plan 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 also directs future development to infill areas within the existing urban footprint and focuses most growth in self-identified Priority Development Areas (PDAs). PDAs include infill areas that are served by transit and located close to other amenities, allowing for improved transit, bicycle and pedestrian access thereby reducing GHG. The Plan also aims to protect open space and agricultural land by directing 100% of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines.

It should be noted that the subject property is not designated as a "Priority Conservation Area" or a "PDA", and the proposed annexation will have no impact on the regional plan.

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 the project is exempt pursuant to CEQA Guidelines sections 15061(b)(3) consistent with the determination of ECCID, as Lead Agency.

B. Adopt this report, approve LAFCO Resolution No. 19-02 (Exhibit 2), and approve the proposal, to be known as the *McCauley Annexations to ECCID* subject to the following terms and conditions:

1. This annexation will allow the delivery of water for use by the landowner for agricultural uses and to serve two single family residential dwelling units and an agricultural structure.
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 agencies.
3. The landowner has delivered an executed indemnification agreement providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
4. The territory proposed for annexation is uninhabited.
5. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Option 2 Accept 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 ECCID proposed.

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

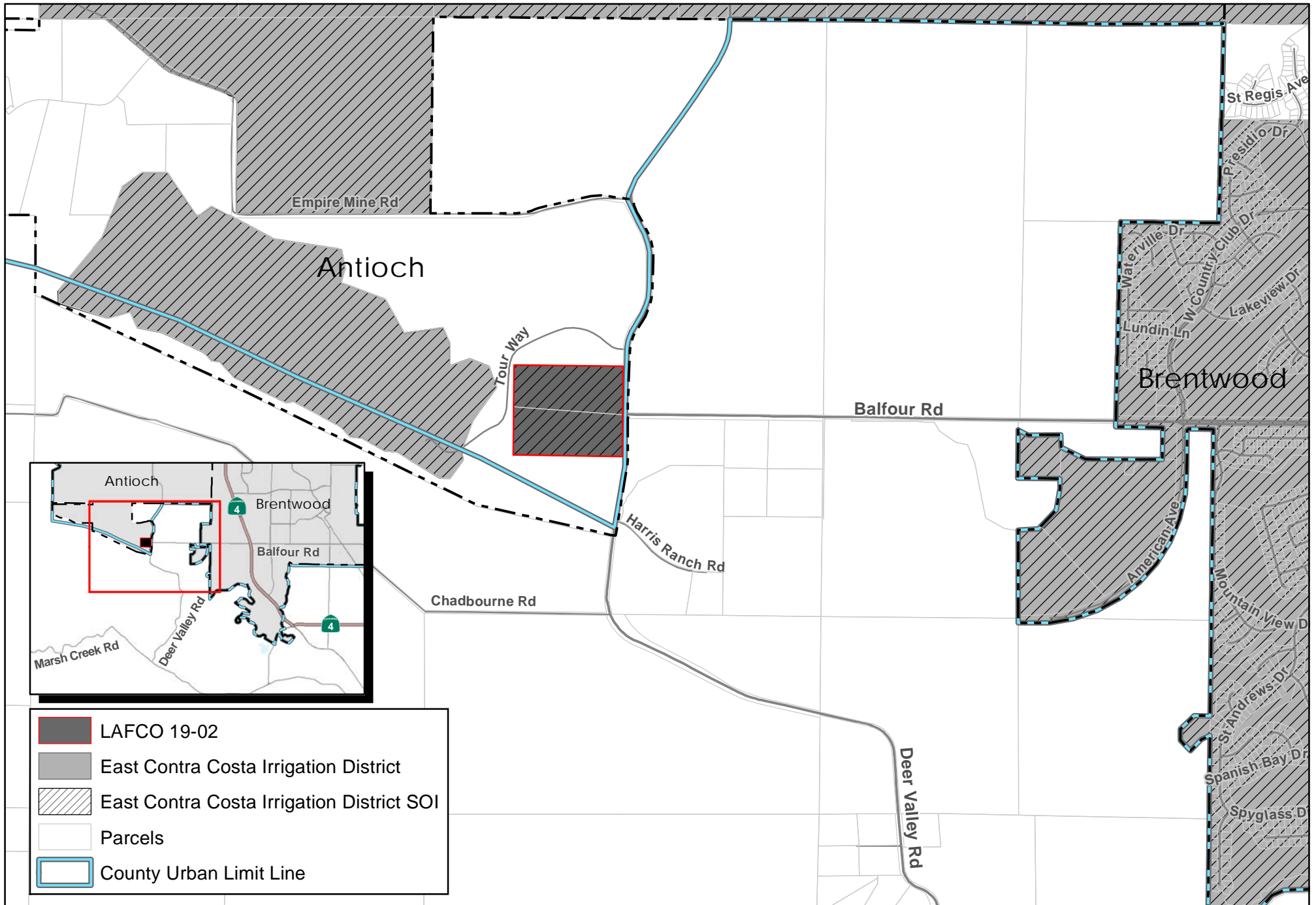
Exhibits:

1 – Annexation Map

2 – Draft LAFCO Resolution 19-02

c: Aaron Trott, General Manager, ECCID
Jagtar (Jack) Dhaliwal, Assistant Director of Public Works/Engineering, City of Brentwood
Forrest Ebbs, Community Development Director, City of Antioch
Sean McCauley, Landowner

LAFCO 19-02 - McCauley Annexation to East Contra Costa Irrigation District



- LAFCO 19-02
- East Contra Costa Irrigation District
- East Contra Costa Irrigation District SOI
- Parcels
- County Urban Limit Line



RESOLUTION NO. 19-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
McCAULEY ANNEXATION TO EAST CONTRA COSTA IRRIGATION DISTRICT (ECCID)**

WHEREAS, the McCauley annexation proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.); and

WHEREAS, at the time and in the manner required by law the Executive Officer gave notice of the Commission's consideration of the McCauley annexation proposal; and

WHEREAS, the Commission held a public hearing on July 10, 2019, on the McCauley annexation proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental documents and determinations, Spheres of Influence and applicable General and Specific Plans.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. Find that the project is exempt pursuant to CEQA Guidelines sections 15061(b)(3) consistent with the determination of ECCID, as Lead Agency.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
McCAULEY ANNEXATION TO ECCID
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit 1, attached hereto and made a part hereof.
5. Approval of the McCauley Annexation to ECCID subject to the following:
 - a. 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.
 - b. The landowner applicant has delivered an executed indemnification agreement between the landowner and Contra Costa LAFCO providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the McCauley Annexation.
 - c. The annexation will allow the delivery of water for use by the landowner for agricultural uses and to serve two single family residential dwelling units and an agricultural structure.
6. Said territory is found to be inhabited. LAFCO will conduct a protest hearing should the Commission receive an objection from any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission proceedings on July 10, 2019, the Commission will waive the protest proceedings.
7. The territory proposed for reorganization is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Contra Costa LAFCO
Resolution No. 19-02

8. All subsequent proceedings in connection with the McCauley Annexation shall be conducted only in compliance with the approved boundaries set forth in this resolution.

PASSED AND ADOPTED THIS 10th day of July 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

TOM BUTT, 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 10, 2019

Lou Ann Texeira, Executive Officer