



STAFF REPORT

TO: PLANNING COMMISSION

MEETING DATE: December 8, 2009

PREPARED BY: Karen L. Majors, Assistant City Manager, Community and Economic Development

SUBJECT: Informational Discussion Item: Proposed Alhambra Valley Annexations

BACKGROUND and DISCUSSION:

As the Planning Commission may be aware, the City of Martinez has been studying the feasibility of annexing portions of Alhambra Valley and North Pacheco for the last year from both land use and fiscal perspectives. Given the different reasons for pursuing each annexation and the extensive pre-zoning process that is necessary in both areas, staff is pursuing the Alhambra Valley annexation first.

The Contra Costa County Local Area Formation Commission (LAFCO) recently completed the state mandated municipal service review (MSR) for Martinez. In the section of the report that addressed agencies in Central Contra Costa County that provide water and wastewater services, the report discussed the number of water service accounts outside the City's current boundaries. Most of the service accounts were set up pursuant to Resolution No. 169-87 which required a deferred annexation agreement and were entered into prior to 2001. A few have been processed since 2001. LAFCO has asked the City of Martinez to annex the properties now contiguous to the City pursuant to the outstanding deferred annexation agreements.

In 1987 the City of Martinez adopted Resolution No. 169-87 that set forth regulations pertaining to the provision of city services (water) outside the City's boundaries. Properties outside but contiguous to a city boundary are required to annex to the City of Martinez prior to receiving water service. Any annexation requires approval by LAFCO. This resolution allows water service to be provided to properties outside the city limits (but within the City's Sphere of Influence and City water service boundary) that are not contiguous to a city boundary with the execution of a deferred annexation agreement. Prior to 2001, this type of agreement did not require LAFCO approval. Since 2001 all new deferred annexation agreements/out of area service agreements require LAFCO approval.

In response to LAFCO's request, the City retained the services of CH2MHill and EPS to provide staff with additional expertise to determine the financial and land use feasibility

of annexing Alhambra Valley properties with deferred annexation agreements as well as the annexation process. From this process the City of Martinez now understands the following:

- Development in the Alhambra Valley is subject to the Contra Costa County Alhambra Valley Specific Plan (AVSP) which was adopted in 1992. The AVSP is well supported by the current residents in the Alhambra Valley as it continues the current semi-rural, large lot configuration, preserves existing open space, and allows for some new development in keeping with the existing character.
- The AVSP set a development cap of 231 new residential units. Since the adoption of the plan in 1992, approximately 81 units have been developed leaving 150 units yet to be built.
- In previous public discussions regarding annexations in the Alhambra Valley, the City Council has stated that any such annexations would be consistent with the AVSP land use designations.
- The City of Martinez has not undertaken any pre-zoning in the Alhambra Valley since the 1980s and much of the recently developed areas of the Alhambra Valley have no pre-zoning. Prior to submitting an application for annexation to LAFCO, the City of Martinez must pre-zone and/or change the pre-zoning on existing properties so that all properties being considered for annexation are consistent with the AVSP. LAFCO legislation prohibits zoning changes for 2 years after an area is annexed. There are currently some 90 parcels that will need to be pre-zoned or have an existing pre-zoning modified to be consistent with the AVSP.
- In 1995, the City of Martinez began the process to annex most of Alhambra Valley area that included all properties with deferred annexation agreements, however the application for annexation was never formally made to LAFCO and the process to create new pre-zonings or modify existing pre-zonings was never initiated.
- If the City pre-zones the properties consistent with the AVSP, City staff believes that the annexation will be exempt from CEQA.

The LAFCO process is a fairly arduous one. After the City of Martinez formerly applies to LAFCO, all property owners as well as registered voters are notified of the annexation application. If more than 25% of either property owners and/or registered voters “protest” the proposed annexation, the annexation goes to a vote. If more than 50% “protest” the annexation application is dead. The terms and conditions of our deferred annexation agreements prohibit property owners from protesting the annexation. However if the annexation goes to a vote, property owners with deferred annexation agreements are not constrained by the terms of their agreement. Given this legal situation, City staff is proposing an annexation area that contains mostly property owners with deferred annexation agreements such that the 25% protest level is not exceeded. In addition, the proposed annexation area was designed to eliminate small unincorporated “pockets”. Please refer to the attached map identifying the proposed

annexation area.

Without the proposed annexation it will become exceedingly difficult for new residential development, consistent with the AVSP, outside the City's boundaries to be served by City of Martinez water as LAFCO is becoming much more critical of "out of area" service agreements.

At the first meeting in January, the Planning Commission will be asked to consider some 90 pre-zonings or pre-zoning changes in the Alhambra Valley. Each property owner will receive a notification of the proposed annexation process and pre-zoning process. City staff will send public hearing notices to each property owner explaining the pre-zoning and annexation process over the next several weeks.

ATTACHMENT:

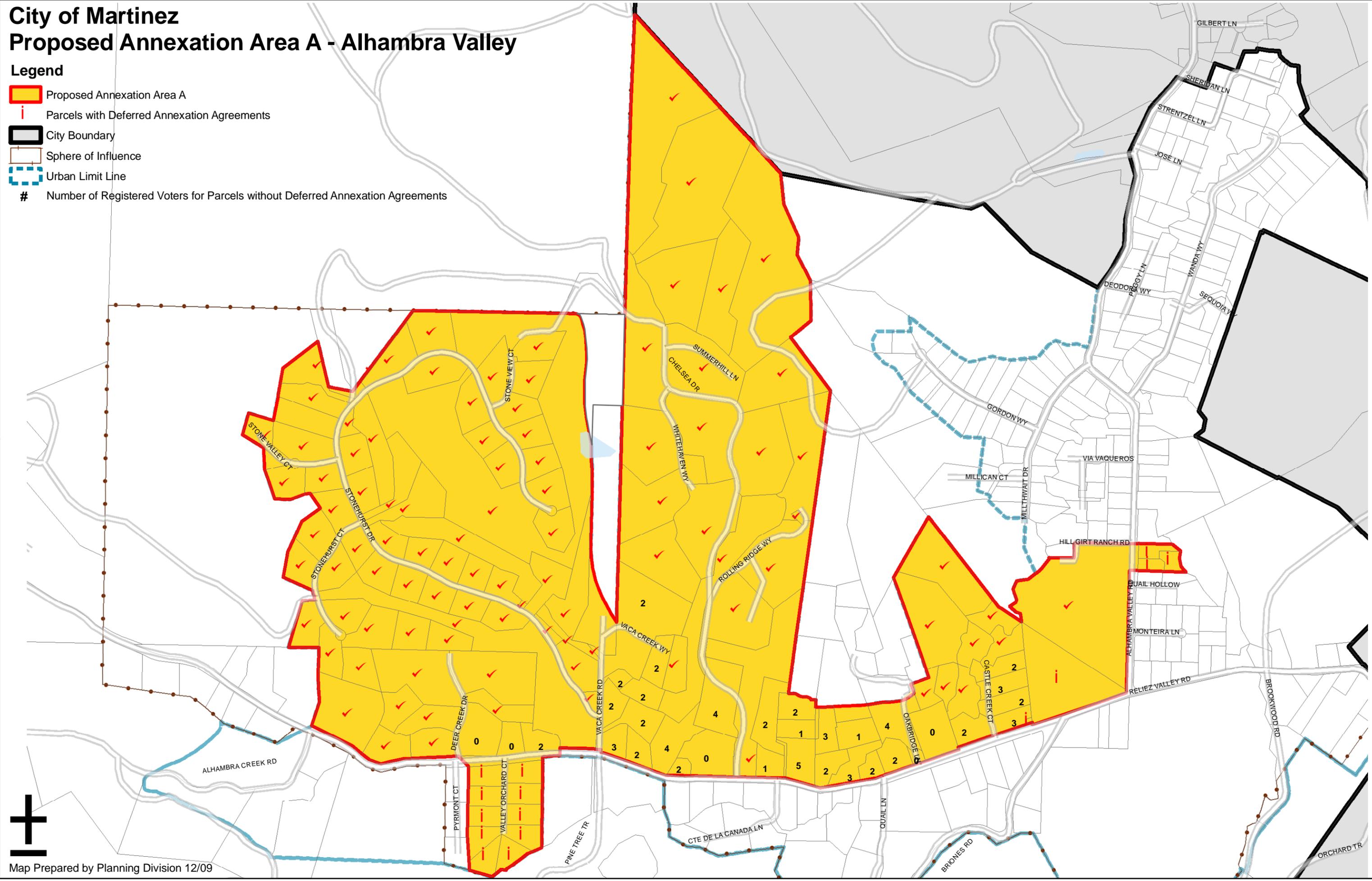
Maps

City of Martinez

Proposed Annexation Area A - Alhambra Valley

Legend

- Proposed Annexation Area A
- Parcels with Deferred Annexation Agreements
- City Boundary
- Sphere of Influence
- Urban Limit Line
- # Number of Registered Voters for Parcels without Deferred Annexation Agreements



City of Martinez Proposed Annexation Area A - Alhambra Valley

Legend

-  Proposed Annexation Area A
-  City Boundary
-  Sphere of Influence
-  Urban Limit Line

