



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, APPROVING THE PREPARATION OF AN APPLICATION TO THE CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION TO ANNEX LANDS OWNED BY THE DISTRICT, ADOPTING THE COMMON SENSE AND CATEGORICAL EXEMPTIONS FOR THE PURPOSES OF SATISFYING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DIRECTING THE GENERAL MANAGER TO FILE A NOTICE OF EXEMPTION WITH THE CONTRA COSTA COUNTY CLERK.

WHEREAS, the Town of Discovery Bay Community Services District ("District") is a government agency organized and existing under the laws of the State of California; and

WHEREAS, the District currently owns real property containing the existing Newport Water Treatment Plant that is not within the District's current sphere of influence and Wastewater Plant No. 2 that is currently within the District's current sphere of influence, and neither are within the District's current jurisdictional service boundary (the "Property"); and

WHEREAS, it is in the best interest of the District and its constituents to annex the Property into the Town's jurisdictional service boundary (the "Annexation"); and

WHEREAS, Annexation of the Property requires that the District make an application to the Contra Costa County Local Agency Formation Commission ("LAFCO");

WHEREAS, annexations are only considered a "project" for California Environmental Quality Act ("CEQA") purposes where such annexation will have a reasonably foreseeable effect on the environment; and

WHEREAS, the District would be considered the lead agency for CEQA purposes because the District took the first discretionary act in applying for the LAFCO application; and

WHEREAS, the Property is developed to the density allowed by current zoning and any utility services are designed to serve only the existing development; and

WHEREAS, there is no possibility that the Annexation would have a significant effect on the environment as the Annexation does not change any existing use of the Property, does not cause any additional impact to the environment, nor is the Annexation intended to facilitate future development. Rather the Annexation is intended solely to benefit the public interest to include the Property within the District's jurisdictional service boundary; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have been met.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1: The above recitals are true and correct and are incorporated by reference.
- Section 2: The Board approves the preparation of the application to the Contra Costa County Local Agency Formation Commission for the Annexation of the Property.
- Section 3: The Annexation is exempt from CEQA, in accordance with California Code of Regulations, Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3), since it can be seen with certainty there is no possibility that the Annexation would have a significant effect on the environment.
- Section 4: The Annexation is categorically exempt under CEQA pursuant to Section 15319(a) of the Guidelines for CEQA, California Administrative Code of Regulations, Title 14, Division 6, Chapter 3, Article 5 because the Property containing the publicly owned structures is developed to the density allowed by current zoning and any utility services are designed to serve only the existing development.
- Section 5: The Board hereby directs the General Manager to prepare and file with the County Clerk of Contra Costa County for posting, a "Notice of Exemption" pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062.

PASSED, APPROVED AND ADOPTED THIS 1st DAY OF APRIL 2020.



Bill Pease
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on April 1, 2020, by the following vote of the Board:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0



Michael R. Davies
Board Secretary