



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2021-13

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT FOR
APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION
FOR A SPHERE OF INFLUENCE EXPANSION AND ANNEXATION OF
THE PANTAGES PROJECT AND DISTRICT OWNED PARCELS.**

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 has received a request from the owner of the Pantages Project to annex the Project area to the District; and

WHEREAS, the District is agreeable to be the applicant to the Local Agency Formation Commission to annex the owner's land to the District's boundaries; and

WHEREAS, the District wishes to also annex property it currently owns for its Newport Water Treatment Plant and Wastewater Treatment Plant Number 2; 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 THAT THE DISTRICT APPLIES TO THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE ANNEXATION OF THE PANTAGES PROJECT, NEWPORT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT NUMBER 2 PARCELS AND RELATED SPHERE OF INFLUENCE EXPANSION PROCEEDINGS. IN SUPPORT OF THE APPLICATION THE DISTRICT STATES:

Section 1: The above recitals are true and correct.

Section 2: The General Manager is authorized to commence the necessary steps to submit the necessary documents to LAFCO in support of the application.

Section 3: This application is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.

Section 4: This application is for an expansion of the District's Sphere of Influence (SOI) and annexation of lands to the District.

Section 5: The parcels to be added to the SOI and annexed to the District include the 0.926 acre Newport Water Treatment Plant parcel and the 132.44 acre Pantages property. The parcels to be annexed to the District, which are already in the District's SOI, include the 69.1 acre Wastewater Treatment Plant Number 2 Site. All parcels are located within unincorporated Contra Costa County as shown on Exhibit A, attached hereto and incorporated herein by reference as if fully set forth.

Section 6. It is requested that this proposal be subject to the following terms and conditions: Upon final approval of the Annexation, the District shall not provide services to private development outside of the District Boundary or Urban Limit Line, unless specifically authorized by Contra Costa County and LAFCO. This shall not constitute a restriction on the District to expand or build future public facilities on its own parcels.

Section 7. The reason for the proposal is to provide water and wastewater services to the Pantages project and to incorporate District owned parcels into the District's boundary and SOI.

Section 8: The District is not aware of any inconsistency of this proposal with the SOI of any City or district and is requesting the District's SOI be amended to include the Pantages and Newport Water Treatment Plant parcels prior to annexation.

Section 9: The plan for providing services to the Pantages Project as required by Government Code Sections 56653 and 56654 will be subject to the Pantages Project meeting the requirements of the District for extending water and wastewater services to the Project.

Section 10: Annexation of the Newport Water Treatment Plant and Wastewater Plant Number 2 is Categorically Exempt from the California Environmental Quality Act review pursuant to sections 15319(a) and 15601(b)(3) of Title 14 of the California Code of Regulations; a Notice of Exemption was filed with the Contra Costa County Clerk on April 21, 2020. For the Pantages Proposal, the Department of Conservation and Development, Community Development Division (CDD) prepared an EIR which was certified on December 3, 2013. A previous Addendum was prepared and certified on October 6, 2015. A second Addendum was also prepared for the proposed project and certified by the Board of

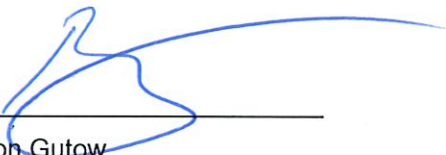
Supervisors on July 13, 2021 and a Notice of Determination was filed with the County Clerk on July 19, 2021, and mailed to the Office of Planning and Research.

Section 11: This Resolution shall take effect immediately upon its adoption.

Section 12: The Board Secretary shall certify the adoption of this Resolution and shall file a certified copy with the executive officer of the Contra Costa County Local Agency Formation Commission.

Section 13: The District's General Manager, or General Manager's designee, is hereby directed and authorized to execute and submit on the District's behalf any materials deemed necessary by the Contra Costa County Local Agency Formation Commission for this application and to represent the District at any Contra Costa County Local Agency Formation Commission hearings regarding this application.


PASSED, APPROVED AND ADOPTED THIS 18th DAY OF AUGUST, 2021.



Bryon Gutow
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 August 18, 2021, by the following vote of the Board:

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



Michael R. Davies
Board Secretary