



September 29, 2011

Demian Hardman, Planner
Contra Costa County
Department of Conservation and Development
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-0095

Re: Draft Environmental Impact Report – Creekside Memorial Park Cemetery
(County File Number LP052096)

Dear Mr. Hardman:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Creekside Memorial Park Cemetery located in unincorporated Contra Costa County. EBMUD has the following comments.

The Creekside Memorial Park Cemetery is located outside of EBMUD's service area and Ultimate Service Boundary (USB) and outside Contra Costa County's Urban Limit Line (ULL). The Draft EIR states that the proposed cemetery would utilize groundwater for all water service needs and is not planning any boundary adjustments.

Please note that water service from EBMUD is not available. The following EBMUD policies (copies enclosed) establish that EBMUD will oppose annexation of properties outside of EBMUD's USB and the extension of service by EBMUD to those properties.

- Policy 3.01 covers annexations and states that annexations shall be within the USB and that EBMUD will oppose any that are outside the USB.
- Policy 3.05 states that the USB defines territory within which EBMUD has planned to provide water service for both existing and future customers and that EBMUD will not extend water service outside the USB if it would adversely affect existing customers.
- If the Creekside Memorial Park Cemetery Project EIR adequately analyzed the water supply source(s) regarding services to serve the project, including all appropriate environmental impacts and approvals, EBMUD may evoke Policy 3.08 that deals with the situation where EBMUD is identified as the preferred service provider for proposed development outside the ULL. For this project, that is less than 200 units, EBMUD will oppose the annexation, and the matter will be considered by EBMUD's

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Board of Directors to determine whether to call an advisory election on the question of whether territory outside the ULL should be annexed to EBMUD.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

Handwritten signature of William R. Kirkpatrick in black ink, written in a cursive style. The signature includes the initials "WRK" and "for" at the end.

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:DJR:sb
sb11_167.doc

Enclosures: EBMUD's Policy 3.01 Annexations
EBMUD's Policy 3.05 Considerations for Extension of Water Beyond the
Ultimate Service Boundary
EBMUD's Policy 3.08 Advisory Election for Annexations Outside the
Contra Costa County Urban Limit Line

cc: Jim Parsons
for Corrie Development Corporation
P/A Design Resources, Inc.
2700 Ygancio Valley Road, Suite 100
Walnut Creek, CA 94598-3462



Policy 3.01

EFFECTIVE 27 OCT 09

SUPERSEDES 09 OCT 07

ANNEXATIONS

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Consider annexing territory, when requested by owners of the property or public agencies having jurisdiction.

Conditions

Annexations are subject to the following conditions:

- The territory shall be within EBMUD's Ultimate Service Boundary.
- Generally, there should be an immediate need for water service on part or all of the territory being annexed.
- The territory proposed for annexation should include any parcels required to make a logical boundary.
- The annexation should facilitate the operation of the utility and be of advantage to the community.
- The annexation should be economically sound and water service technically feasible.
- The annexation satisfies Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line, if applicable.
- Territory within the boundaries of the East Bay Watershed Master Plan, but lying outside the boundary of the Briones Hills Agricultural Preservation Area (BHAPA) must:
 - Have adequate facilities for removal of sewage from the watershed; and
 - Be under agreement or permanent deed restriction with EBMUD to protect the quality of source water under the influence of the territory.
- Territory shall be outside the boundary of the BHAPA as adopted by Contra Costa County and signatory cities, except where:
 - The territory is in EBMUD or other public agency ownership and will remain in public ownership; and
 - EBMUD obtains agreements or permanent deed restrictions from the public agency owner that provide for protection of the quality of source water under the influence of the territory.

EBMUD policy shall be to express opposition to annexation of privately held parcels within the BHAPA boundary.

- If the proposed annexation extends beyond the Contractor Service Area of EBMUD's Central Valley Project (CVP) water supply contract, EBMUD shall request the United States Bureau of Reclamation (USBR) to include the

Annexations

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proposed annexation in the Contractor Service Area in compliance with Article 35 of the CVP water supply contract. EBMUD shall also request the responsible Local Agency Formation Commission to condition water service to the annexed territory until receipt of USBR's formal approval of the inclusion.

Territory Outside of Ultimate Service Boundary

Opposition shall be expressed to all proposed annexations outside of the Ultimate Service Boundary unless:

- a) The requested annexation is a small boundary adjustment found by EBMUD to be in its best interests based on the following conditions:
 - (1) The property and dwelling units are the smaller part of a larger development project located primarily within the Ultimate Service Boundary;
 - (2) The development project is desired and approved by the city or county land use planning agency with jurisdiction, and the land use planning and environmental documentation recognizes EBMUD as the logical provider of water service;
 - (3) Annexation of the property to EBMUD represents the most practical and feasible method of obtaining water service;
 - (4) The cumulative number of dwelling units outside the Ultimate Service Boundary added as a result of such small boundary adjustments shall not exceed 100 in any two-year period;
 - (5) The project proponent has agreed to cooperate with EBMUD in adding the territory to EBMUD's permitted place of use and has agreed to compensate EBMUD for costs incurred; and
 - (6) EBMUD Policy 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary, and Policy 9.03 – Water Supply Availability and Deficiency, are satisfied with regard to the effects of extension of water beyond the Ultimate Service Boundary; or
 - b) The requested annexation is to mitigate health risks, as established by the appropriate agency, associated with existing water supplies.
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Authority

Resolution No. 20996, June 8, 1962
Amended by Board Motion No. 91-012, February 14, 1991
Amended by Resolution No. 33116-98, August 11, 1998
Amended by Resolution No. 33365-03, July 8, 2003
Amended by Resolution No. 33634-07, October 9, 2007
Amended by Resolution No. 33732-09, October 27, 2009

References

Policy 3.05 – Considerations for Extension of Water Beyond the Ultimate Service Boundary
Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line
Policy 9.03 – Water Supply Availability and Deficiency



Policy 3.05

EFFECTIVE 14 NOV 06

SUPERSEDES 13 FEB 01

CONSIDERATIONS FOR EXTENSION OF WATER BEYOND THE ULTIMATE SERVICE BOUNDARY

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT THAT:

The District will not extend water to areas outside the present Ultimate Service Boundary (USB) of the District, if such extension would result in:

1. A reduction in the quantity of water available to District customers to satisfy existing or projected levels of demand; or
2. A reduction in the quality of water available to District customers from the District's present water sources; or
3. An increase in costs of service for District customers.

The USB defines the territory within which the District has planned to provide water service. The phrase "District customers" as used in this policy shall mean (i) existing water service customers of the District and (ii) future customers, located within the present USB, but not now receiving water service.

This policy shall not apply to proposed annexations of property to the District's service area within the USB and such annexation shall continue to be evaluated on a case-by-case basis.

Authority

Board Motion, adopted on March 8, 1983
Amended by Resolution No. 33236-01, February 13, 2001
Amended by Resolution No. 33564-06, November 14, 2006



Policy 3.08

EFFECTIVE 14 SEP 10

SUPERSEDES 14 OCT 08

ADVISORY ELECTION FOR ANNEXATIONS OUTSIDE THE CONTRA COSTA COUNTY URBAN LIMIT LINE

IT IS THE POLICY OF THE EAST BAY MUNICIPAL UTILITY DISTRICT TO:

Call an advisory election if EBMUD is designated as the preferred water service provider by a local planning agency in its environmental documentation when the proposed development is located outside the Urban Limit Line adopted by Contra Costa County in 2000.

Purpose	The purpose of the election shall be to submit to the voters within the EBMUD service area the question of whether territory outside said Urban Limit Line should be annexed to EBMUD.
Events Triggering an Advisory Election	<ul style="list-style-type: none">• EBMUD is identified by a local planning agency in its environmental documentation as the preferred provider to deliver potable water service to a residential development of 200 or more dwelling units located in territory beyond the Contra Costa County Urban Limit Line. In such cases, the matter shall be placed on the agenda for consideration by the Board of Directors at a regularly scheduled public meeting. If the Board of Directors determines not to oppose annexation of such territory to EBMUD, EBMUD shall call an advisory election on the question of whether such territory should be annexed to EBMUD. The advisory election shall occur prior to the time the Contra Costa County Local Agency Formation Commission is scheduled to consider annexation of the territory to EBMUD and, when possible, shall be consolidated with a general election.• If a local agency designates EBMUD as the preferred provider for water service to a residential development in territory outside the Contra Costa County Urban Limit Line that is less than 200 dwelling units and is not covered by the provisions of Policy 3.01, then EBMUD shall oppose the annexation and the Board of Directors shall determine, at a regularly scheduled public meeting, whether to call an advisory election on the question of whether such territory should be annexed to EBMUD.• This policy shall be applied consistent with and in furtherance of the provisions of Policy 3.01 – Annexations.
Authority	Resolution No. 33347-03, January 28, 2003 Amended by Resolution No. 33564-06, November 14, 2006 Amended by Resolution No. 33687-08, October 14, 2008 Amended by Resolution No. 33780-10, September 14, 2010
References	Policy 3.01 Annexations Policy 3.05 Considerations for Extension of Water Beyond the Ultimate Service Boundary Policy 3.07 Responsibility to Serve Water Customers Policy 7.03 Emergency Preparedness/Business Continuity Policy 7.09 Workplace Safety and Health
