

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 8, 2022 (Agenda)

LAFCO 21-08 East Bay Municipal Utility District (EBMUD) Sphere of Influence (SOI) Amendment - 285 Lark Lane, Alamo (unincorporated)

APPLICANT Taso Tsakos, Landowner, Managing Member

ACREAGE & LOCATION The applicant proposes to expand EBMUD's SOI by 18.38± acres. The property includes one parcel (APN 198-230-017), is located at 285 Lark Lane in Alamo - see attached map (Exhibit A). The applicant also submitted a corresponding application to annex the parcel to EBMUD.

PURPOSE The purpose of the proposal is to allow for the extension of municipal water services to facilitate development of one single-family home. The landowner reports that numerous attempts at local well drilling have been unsuccessful.

BACKGROUND In September 2021, the landowner submitted applications to Contra Costa LAFCO to amend EBMUD's SOI and annex the subject property to EBMUD. Included with the applications was a request that Alameda LAFCO transfer jurisdiction to Contra Costa LAFCO to process the applications. Alameda is designated the principal county for LAFCO proceedings, as defined by Government Code ("GC") §56066 (i.e., the county having the greatest portion of the assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within the district). Contra Costa LAFCO submitted a request to Alameda LAFCO for transfer of jurisdiction, which Alameda LAFCO approved on January 13, 2022.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) authorizes LAFCO to develop and determine the SOI of each local agency within the County, and to enact policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as *a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's SOI is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

Pursuant to GC §56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. *The present and planned uses in the area, including agricultural and open space lands* – The project site is vacant undeveloped land. The planned land use is construction of a single-family home. The County General Plan (GP) designation for the subject parcel is *Agricultural Land (AL)* and the zoning designation is *General Agricultural five acre minimum (A-2)*. The parcel is inside the Contra Costa County Urban Limit Line (ULL). The subject parcel is not under an active Williamson Act contract. There are lands under Williamson Act contracts south and southwest of the subject parcel.

The subject parcel does not meet the LAFCO definitions of "prime agricultural land" (GC §56064) or "agricultural" land" (GC §56016) as the parcel is vacant with no current agricultural activity.

2. *The present and probable need for public facilities and services in the area* – The land is currently vacant with no public services. The landowner proposes to build one single-family home which will require municipal water service, as local well water is not available. The subject parcel is within the Central Contra Costa Sanitary District and San Ramon Valley Fire Protection District service boundaries.

3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – EBMUD provides potable water services and limited wastewater collection and treatment services in portions of the District’s service area. The EBMUD service area is 332± square miles (Contra Costa and Alameda counties). EBMUD provides potable water to 1.4± million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 225± square mile service area, serving an estimated 473,000 residents per the 2020 Urban Water Management Plan.

EBMUD’s water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90% of EBMUD’s water supply. EBMUD’s existing water rights allow the delivery of up to 325 mgd or approximately 364,037 acre-feet per year of water from the Mokelumne River.

EBMUD’s water supplies are subject to variability, particularly during dry and multiple dry years. The availability of the Mokelumne River runoff is subject to senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses. Given the variability, EBMUD indicates that supplemental water supply sources are needed to meet future water demand during extended periods of drought.

The Freeport Regional Water Facility is a regional water supply project that provides supplemental water supply to EBMUD during dry years. During periods of drought, EBMUD receives Central Valley Project (CVP) water from its Freeport Regional Water Facility to augment its water supply. Through a contract with the U.S. Bureau of Reclamation (USBR), EBMUD can receive supplemental water supply during dry and multiple dry years to ensure the reliability of EBMUD’s water supply. In conjunction with the request to annex the property, EBMUD is also seeking approval from the USBR to amend the service area delineated in its contract.

EBMUD has adequate capacity to serve the project from the District’s Danville Pressure Zone, which serves an elevation range of 250 feet to 450 feet. Water service may not be provided (upon approval) via a Conditional Low Pressure Service Agreement under EBMUD’s Regulations Governing Water Service Section 4C5 “Main Extensions: Exceptions.”

Additionally, the proposed project is required to comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all applicable water-efficiency measures described in the regulations are installed.

The costs associated with the water supply system as described, as well as development system capacity and service connection fees, will be borne by the landowner. Ongoing maintenance of the system will be funded through usage fees collected by EBMUD. The estimated water demand for the project is 300 gallons per day. EBMUD provided a will serve letter indicating has the capacity to serve the project.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject parcel is within the unincorporated community of Alamo and is surrounded by vacant land/open space to the north, south and west, with some residential development to the east. The subject parcel will benefit from municipal water service provided by EBMUD.

5. ***Nature, location, extent, functions & classes of services to be provided*** – EBMUD’s water supply system collects, transmits, treats, and distributes high quality water to an area of 332± square miles in Contra Costa and Alameda counties. EBMUD provide wastewater treatment to 88 square miles in Contra Costa and Alameda counties. EBMUD provides potable water to over 1.4 million customers within the two-county service area, and wastewater treatment to over 740,000 residential, business and industrial customers. In Contra Costa County, water service is provided to Crockett, Rodeo, Hercules, Pinole, Richmond, El Sobrante, El Cerrito, San Pablo, Orinda, Moraga, Lafayette, Pleasant Hill, Walnut Creek, Alamo, Danville, Diablo, Blackhawk and San Ramon; and wastewater services are provided to El Cerrito, parts of Richmond, and Kensington. EBMUD is expected to provide water service to the subject area dependent on receiving approval from the USBR of inclusion of the area in EBMUD’s CVP Contractor Service Area.

Environmental Impact of the Proposal – The EBMUD SOI expansion is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15303(a) and (d).

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** Adopt this report and adopt Resolution No. 21-08 (Attachment 2) approving the proposed EBMUD SOI expansion of 18.38± acres and determining that the SOI expansion is exempt from CEQA.
- Option 2** Adopt this report and DENY the proposal.
- Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDATION Option 1 – approve the SOI amendment as proposed.

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

Exhibit

A. Map – Proposed EBMUD SOI Expansion

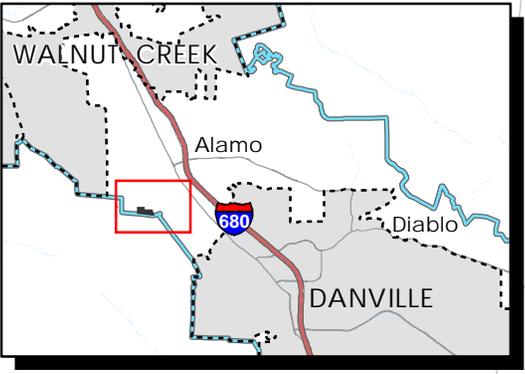
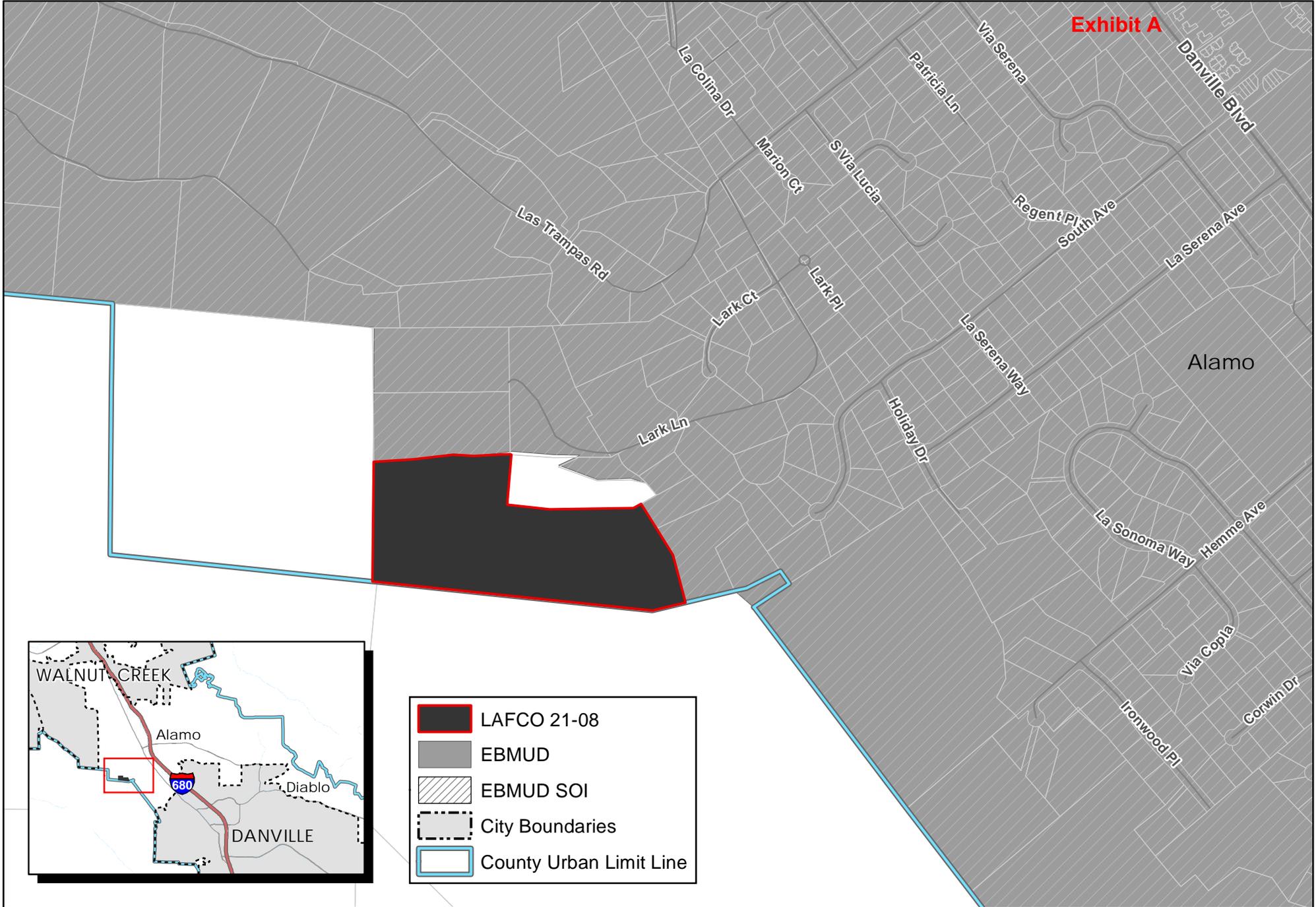
Attachment

1. Draft LAFCO Resolution 21-08

c: Taso Tsakos, Landowner, Managing Member
Jack Flynn, Customer Services Manager, EBMUD

LAFCO No. 21-08 East Bay Municipal Utility District (EBMUD) SOI Amendment - 285 Lark Lane, Alamo

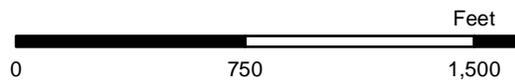
Exhibit A



	LAFCO 21-08
	EBMUD
	EBMUD SOI
	City Boundaries
	County Urban Limit Line

Map created 02/08/2022
 by Contra Costa County Department of Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



SPHERE OF INFLUENCE RESOLUTION NO. 21-08

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
OF EAST BAY MUNICIPAL UTILITY DISTRICT (285 LARK LANE – ALAMO)**

WHEREAS, a proposal to expand the sphere of influence (SOI) of the East Bay Municipal Utility District (EBMUD) and corresponding annexation proposal were filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

WHEREAS, the LAFCO Executive Officer gave notice of the Commission's consideration of the proposed SOI expansion at the time and in the manner required by law; and

WHEREAS, the Commission heard, discussed, and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, SOIs and applicable General and Specific Plans, and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed expansion of EBMUD's SOI by 18.38± acres (one parcel), located at 285 Lark Lane in unincorporated Alamo.
2. The Commission finds that the EBMUD SOI expansion is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15303(a) and (d).
3. The SOI of EBMUD is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. In conjunction with the SOI expansion, the Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands – The project site is currently vacant. The planned land use is construction of a single-family home. The County General Plan designation for the subject parcel is *Agricultural Land* and the County's zoning designation is *General Agricultural*. The subject parcel is not under an active Williamson Act contract. The subject parcel does not meet the LAFCO definitions of "prime agricultural land" (GC §56064) or "agricultural" land" (GC §56016) as the parcel is vacant with no current agricultural activity. The subject parcel is located within the voter approved Urban Limit Line.

The present and probable need for public facilities and services in the area – The land is currently vacant with no public service. The proposed development requires municipal water service as multiple attempts at local well digging were unsuccessful. Municipal water service from EBMUD is needed to support development of a single-family home. A corresponding annexation application was also submitted to LAFCO to expand EBMUD's service boundary.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – EBMUD provides potable water services and limited wastewater collection and treatment services in portions of the District's service area. The EBMUD service area is approximately 332± square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.4 million people within the two-county service area. Within Contra Costa

County, EBMUD provides water service to a 225± square mile service area, serving an estimated 473,000 residents per the 2020 Urban Water Management Plan (UWMP). EBMUD has adequate

capacity to serve the project from the District’s Danville Pressure Zone, which serves an elevation range of 250 feet to 450 feet.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency – The subject parcel is within the unincorporated community of Alamo and is surrounded by vacant land/open space to the north, south and west, with some residential development to the east. The subject parcel will benefit from municipal water service provided by EBMUD.

Nature, location, extent, functions & classes of services to be provided - EBMUD water supply system collects, transmits, treats, and distributes high-quality water to an area of 332± square miles in Contra Costa and Alameda counties. EBMUD provide wastewater treatment to 88 square miles in Contra Costa and Alameda counties. EBMUD provides potable water to over 1.4 million customers within the two-county service area, and wastewater treatment to over 740,000 residential, business and industrial customers. In Contra Costa County, water service is provided to Crockett, Rodeo, Hercules, Pinole, Richmond, El Sobrante, El Cerrito, San Pablo, Orinda, Moraga, Lafayette, Pleasant Hill, Walnut Creek, Alamo, Danville, Diablo, Blackhawk and San Ramon; and wastewater services are provided to El Cerrito, parts of Richmond, and Kensington. EBMUD is expected to provide water service to the subject area dependent on obtaining formal approval from the United States Bureau of Reclamation of the inclusion of the area into EBMUD’s Central Valley Project Contractor Service Area.

PASSED AND ADOPTED THIS 8th day of June 2022, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

ROB SCHRODER, 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 above.

Dated: June 8, 2022

Lou Ann Texeira, Executive Officer