



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, January 9, 2019, 1:30 PM

PLACE: Board of Supervisors Chambers
651 Pine Street, Martinez, CA 94553

NOTICE IS HEREBY GIVEN that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

As a courtesy, please silence your cell phones during the meeting.

JANUARY 9, 2019 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome New/Returning Commissioners and Recognize Outgoing Commissioner**
3. Roll Call
4. Adoption of Agenda
5. **Selection of Chair and Vice Chair**
6. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
7. Approval of Minutes for the December 12, 2018 regular LAFCO meetings

OUT OF AGENCY SERVICE REQUESTS

8. ***LAFCO 18-12 – City of Martinez – Subdivision 7069 (Creeside Oaks)*** – consider a request by City of Martinez to extend municipal water service outside its jurisdictional boundary to a 7-lot subdivision (16.89± acres) located at Castle Creek Court and Casa de Campo north of Alhambra Valley Road in unincorporated Martinez; and consider related actions per California Environmental Quality Act (CEQA)

CHANGES OF ORGANIZATIONS/REORGANIZATIONS

9. ***LAFCO 17-13 – Dissolution of Los Medanos Community Healthcare District (LMCHD)*** – on September 12, 2018, the Commission approved dissolution of the LMCHD which serves the Bay Point/Pittsburg area. The proposal was initiated by Contra Costa County and the Commission's approval is subject to a protest hearing. On January 9th, the Commission will receive information regarding the November 30th protest hearing. If the results of the protest are available the Commission will take action to either order the dissolution, or order the dissolution subject to an election.
10. ***County Service Area (CSA) M-9*** – consider approving the dissolution of CSA M-9 which comprises 0.41± acres and includes one parcel (APN 365-220-025) located north of the City of Orinda; and consider taking related actions under CEQA ***Public Hearing***

BUSINESS ITEMS

11. ***LAFCO Policies and Procedures Committee Appointment*** – consider appointing a Commissioner to the LAFCO Policies and Procedures Committee
12. ***Fiscal Year (FY) 2018-19 2nd Quarter Budget Report*** – receive FY 2018-19 2nd quarter budget report

INFORMATIONAL ITEMS

13. Commissioner Comments and Announcements
14. Staff Announcements
 - CALAFCO Updates
 - Pending Projects
 - Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting February 13, 2019 at 1:30 pm.

LAFCO STAFF REPORTS AVAILABLE AT http://www.contracostalafco.org/meeting_archive.htm



Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Michael R. McGill <i>Special District Member</i>
Donald A. Blubaugh <i>Public Member</i>	Rob Schroder <i>City Member</i>
Federal Glover <i>County Member</i>	Igor Skaredoff <i>Special District Member</i>
Don Tatzin <i>City Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>

January 9, 2019
Agenda Item 5

January 9, 2019 (Agenda)

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Selection of Commission Officers for 2019

Dear Members of the Commission:

The selection of officers for the Contra Costa LAFCO is described in Section 1.4 of the Commission Handbook, which provides for the following:

- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable.
- The Chair and Vice Chair shall serve for one-year terms, or until their successors are elected, whichever occurs later.
- Officers shall be selected from the categories of members in the following order:

County Member 1
Public Member
Special District Member 1
City Member 1
County Member 2
Special District Member 2
City Member 2

In 2018, Special District member Mike McGill served as Chair and City member Don Tatzin served as Vice Chair.

RECOMMENDATION – Per the Commission’s policy, it is recommended that the Commission select a City member as Chair and a County member as Vice Chair to serve until January 2020.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 12, 2018

Board of Supervisors Chambers
Martinez, CA

January 9, 2019
Agenda Item 7

1. Acting Chair Tom Butt called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Acting Chair Tom Butt welcomed new regular member Tom Butt, who was sworn in by Legal Counsel Anderson.
3. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and d Alternate Diane Burgis.
Special District Members Igor Skaredoff and Alternate Stan Caldwell.
City Members Tom Butt and Rob Schroder.
Public Members Don Blubaugh and Alternate Charles Lewis.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Blubaugh, second by Skaredoff, Commissioners approved the agenda by a vote of 7-0.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder, Skaredoff
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of November 14, 2018 Meeting Minutes

Upon motion of Blubaugh, second by Caldwell, the November 14, 2018 meeting minutes were approved by a vote of 6-0 with Commissioner Skaredoff abstaining.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: Skaredoff

7. LAFCO 18-11 – Spinnaker Cover Waterline Extension Annexation to Contra Costa Water District (CCWD)

The Executive Officer reported that this proposal from CCWD to annex 35+ acres to the District is to enable the extension of municipal water to serve a 91-lot approved residential development located in the unincorporated Oakley area, with CCWD allocating wholesale water to Diablo Water District (DWD) in order to provide treated water to the development, which is within both districts' spheres of influence. The County's approval of the project in the 1980s authorized water being supplied by ground wells; however, that has proven problematic due to high levels of iron, manganese and nickel.

An EIR for this development was prepared by the County in 1980, and in 2017 DWD prepared an MND in conjunction with the waterline extension, which is adequate for LAFCO purposes.

The Chair opened the public hearing.

Michael Loewke, representing the districts and the developer, stated that he and Mark Seedall, CCWD Principal Planner, were available to answer questions.

Commissioner Lewis asked about the order of approvals in water serve, and how LAFCO can approve the proposal without assurance from the Central Valley Project and Bureau of Reclamation (USBR) that there will be water available.

DRAFT

Mark Seedall noted that this is the way it has always been. The USBR will not approve water availability until recordation, with a Certificate of Completion, has occurred. Mr. Seedall also stated that the water is actually CCWD's water.

The Chair closed the public hearing.

Upon motion of Andersen, second by Schroder, Commissioners, by a 7-0 roll call vote, certified that it reviewed and considered the information contained in the CEQA documentation; approved the proposal known as Spinnaker Cove Annexation to CCWD, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited and received no objections to annexation; waived the protest proceeding, and directed staff to complete the proceeding.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder, Skaredoff
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: none

8. LAFCO 17-13 – Dissolution of LMCHD - Informational Update

The Executive Officer reported that a protest hearing for LAFCO 17-13 was held November 30th and was conducted by the LAFCO Executive Officer, as authorized by statute and LAFCO policy. Approximately 12 people attended the hearing; there were no public speakers. At the hearing, the District submitted three boxes of written protests totaling 16,539 signatures by their count. Immediately following the protest hearing, LAFCO delivered the boxes to County Elections.

Elections is currently verifying the protests. Pursuant to State law, Elections has up to 30 working days to complete the verification. Elections will review and verify all protests submitted. We anticipate receiving the election results prior to the January 9, 2019 LAFCO meeting.

Commissioner Blubaugh asked what LAFCO action will be next. The Executive Officer responded that if 25% or more of the protest signatures are verified by Elections, the County will be asked to schedule an election to put the question of dissolution before the voters in Los Medanos Community Healthcare District. If fewer than 25% of the protest signatures are verified, the dissolution will be ordered. In response to Commissioner Skaredoff's question, the Executive Officer responded that a rough estimate of 25% of the registered voters in the District would be around 10,500 voters.

9. County Service Area (CSA) M-9

The Executive Officer reported that in November, a letter was received from the State Controller's Office informing LAFCO of an inactive district, CSA M-9, and the requirements to dissolve inactive districts pursuant to the CKH. In 2017, the County received a similar letter from the State regarding this district. CSA M-9 was formed in 1969 to provide street lighting facilities, street sweeping and parkway maintenance services to territory in what was then unincorporated Orinda. When the City of Orinda incorporated in 1985, the City assumed these services. According to County records, CSA M-9 has been inactive since 1990. However, one parcel remains in CSA M-9; and given the district was never officially dissolved, it continues to show up on the State's reporting list.

Under legislation enacted in 2017 that defines "inactive districts" and provides an expedited process for dissolving these districts, LAFCO can proceed with dissolution in the same manner as the process used to dissolve RD 2121. CSA M-9 has no assets, liabilities, outstanding debts, judgments, contracts, or claims; nor does it receive a tax increment. Given that Orinda took over the services in 1985, there is no need to designate a successor agency. Commissioner Lewis asked if the CSA M-9 receives a tax increment, to which LAFCO staff responded no.

Upon motion of Andersen, second by Burgis, Commissioners, by a unanimous 7-0 roll call vote, adopted a resolution initiating dissolution of CSA M-9 and directed staff to proceed with the dissolution.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder, Skaredoff
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: none

10. 2019 LAFCO Meeting Schedule

The Executive Director reported that there is a conflict for use of the County Board Chamber for the March 13 regular meeting of LAFCO. Staff provided three options (hold the meeting at a different location on the regular date, move the meeting date to one week before or after the regular date, or cancel the meeting).

Upon motion of Blubaugh, second by Andersen, Commissioners, by a unanimous 7-0 vote, voted to cancel the March 13 meeting, but if a meeting is deemed necessary, to hold that meeting on March 20.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder, Skaredoff
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: none

11. Executive Officer's Performance Review and Compensation

The acting Chair read the memo from Chair McGill and Vice Chair Tatzin commending the Executive Officer's exceptional work and recommending a 5% increase to the Executive Officer's base salary effective 1/1/19.

Upon motion of Blubaugh, second by Andersen, Commissioners, by a unanimous 7-0 vote, approved the 2019 5% salary increase for the Executive Officer.

AYES: Andersen, Blubaugh, Burgis (A), Butt, Caldwell (A), Schroder, Skaredoff
NOES: none
ABSENT: Glover (M), McGill (M)
ABSTAIN: none

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner Butt reported that the Richmond Ferry will have its grand opening on Thursday, January 10, and invited Commissioners to attend the event. He noted that the Mayors' Conference meeting will be held at the Richmond Craneway following the opening of the ferry.

14. Staff Announcements

The Executive Officer drew Commissioners' attention to CALAFCO updates, and noted that Commissioner McGill had attended the CALAFCO Board meeting on December 7, and would attend the CALAFCO Legislative Committee meeting on December 14, as will the Executive Officer.

The meeting adjourned at 1:56 p.m.

Final Minutes Approved by the Commission January 9, 2019.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 9, 2019
Agenda Item 8

January 9, 2019 (Agenda)

LAFCO 18-12

City of Martinez - Out of Agency Service Request (Subdivision 7609 - Creekside Oaks)

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to a 7-lot subdivision located at Castle Creek Court and Casa de Campo, north of Alhambra Valley Road in unincorporated Martinez. The area is 16.89± acres and includes seven parcels (see Attachment 1). The project involves development of seven single family residential units in accordance with the Alhambra Valley Specific Plan.

The subject property is located within the City of Martinez sphere of influence (SOI) and within the City's Urban Limit Line (ULL). Surrounding land uses include very low density residential to the south; low and very low density residential to the east; agricultural land and rural residential to the west and north.

A summary of the parcels including Assessor Parcel Numbers (APNs), acreage, City and County zoning and general plan designations is provided below.

APN	Acreage	County Zoning	County General Plan	City Zoning	City General Plan
367-140-011	0.955±	80% - R-40 (40,000 sq. ft. minimum; 20% - A-2 (general ag; 5 acre minimum)	50% AL (ag lands); 50% SL (single family residential – low density)	AV (Alhambra Valley) – R-40-P (AV/Estate Residential-Very Low
367-140-012	1.033±	80% - R-40 (40,000 sq. ft. minimum; 20% - A-2 (general ag; 5 acre minimum)	50% AL; 50% SL	AV– R-40-P	AV/Estate Residential-Very Low
367-140-013	5.62±	2% - R-40; 98% A-2	AL	AV/A-5-P (AV/AL
367-140-016	1.37±	50% R-40; 50% A-2	AL	AV– R-40-P	AV/Estate Residential-Very Low
367-140-017	1.55±	R-40	30% AL; 70% SL	AV– R-40-P	AV/Estate Residential-Very Low
367-140-018	1.23±	50% R-40; 50% A-2	AL	AV– R-40-P	AV/Estate Residential-Very Low
367-140-019	5.13±	A-2	AL	AV/A-5-P	AV/AL

The City is currently providing water service to the neighborhoods surrounding the subject property. The area is also within the Central Contra Costa Sanitary District (CCCSD) service boundary.

DISCUSSION

Statutory Framework – Out of Agency Service – The Government Code (GC) and local LAFCO policies regulate the extension of out of agency service. GC §56133 states that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundary only if it first requests and receives written approval from the Commission.” Further, the law provides that LAFCO may authorize a city or district to provide new or extended services under specific circumstances: a)

outside the agency's jurisdictional boundary but within its SOI in anticipation of a future annexation; or
b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the public health or safety.

The Commission's current policies regarding out of agency service (Attachment 2) are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well); or in anticipation of a future annexation.

City's Prior and Future Commitment to Annexations – As noted in the 2008 and 2014 *Water/Wastewater* and the 2009 *Central County Sub-regional* LAFCO Municipal Service Reviews (MSRs), the City is providing water services beyond its corporate limits to an estimated 1,500 water connections. The LAFCO MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate. The MSRs note that the 1,500 water connections serve residents who do not have representation in terms of electing the Martinez City Council and governance issues. City staff indicates that those residents who receive out of agency water service have the right to address the City Council regarding policy decisions. Further, they have equal rights under Proposition 218 to protest water rate increases.

The City of Martinez has previously demonstrated commitment to annexing these unincorporated areas through prior actions including preparing fiscal studies analyzing the impacts of annexing these areas to the City (i.e., Alhambra Valley, North Pacheco, Mt. View); rezoning these areas; adopting resolutions affirming the City's pledge to annex these areas (i.e., Alhambra Valley, Mt. View); and prior annexation efforts including the successful annexation of a portion of Alhambra Valley, and the attempted annexation of North Pacheco, which was approved by LAFCO, but rejected by the voters. Further, the City requires property owner(s) to sign and record a deferred annexation agreement when applying for out of agency service.

While the City has taken actions in furtherance of future annexations of most of these areas, the outcome of the fiscal studies shows a negative fiscal impact to the City; thus, annexation of most of these areas, including the Alhambra Valley, is not financially viable. It should be noted that the subject parcels were part of the City's original 2011 Alhambra Valley annexation application. The City asked LAFCO to remove the Castle Creek and Chelsea Drive areas from the annexation due to landowner resistance.

Since 2012, the City of Martinez has submitted 10 out of agency service applications to LAFCO including the subject proposal and a new proposal submitted on December 4, 2018. Of the 10 proposals submitted in the last six years, seven are in the Alhambra Valley area and three are in the Mt. View area.

As noted below, in 2011-12, the City attempted to annex the Alhambra Valley and was partially successful. The City has adopted two resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020. In 2016, the City adopted two resolutions indicating its intent to annex property along the Pacheco Boulevard corridor including the Mt. View area by the year 2030. It would be beneficial to LAFCO for the City to provide an update and estimated timeframe to the Commission on future annexation activity within a time specified by the Commission.

Consistency with LAFCO Policies – The City has applied to LAFCO to extend out of agency water service to the subject property, which is located in the Alhambra Valley. There are currently no public

health/safety issues on the property. The extension of water service will enable development of the property.

Contra Costa LAFCO's policies are consistent with GC §56133, in that out of agency service can be extended either in response to a threat to the health and safety of the public (e.g., failed septic system, contaminated or dry well, etc.), or in anticipation of annexation.

In addition, the LAFCO policies contain the following provisions which are relevant to this proposal:

3) *Objective – Out of agency service is generally not intended to support new development.*

The out of agency service request is intended to serve development of a 7-lot residential subdivision. Municipal water service to serve this project was anticipated in the County's 1994 environmental review and conditions of approval.

4) *Out of Agency Service Policies: General Statements*

- a) *Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

The subject area is not adjacent to the City boundary and cannot be annexed at this time.

- b) *LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.*

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate. The City has committed to the future annexation of the Alhambra Valley.

- c) *If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate steps toward eventual annexation.*

The City has previously attempted to annex the Alhambra Valley and has been partially successful. To affirm its commitment to the future annexation of this area, the City Council adopted two resolutions (2012 and 2014) asserting the City's intent to pursue annexation of this area by 2020.

In addition, the City has obtained and recorded deferred annexation agreements on the subject parcels.

Water Supply to the Subject Property – The subject property is located in the Alhambra Valley, characterized as an established semi-rural community. The Alhambra Valley is partially served with water service through the City of Martinez and sewer service through CCCSD. The subject property is within the CCCSD service boundary.

The City indicates that it has adequate water to serve the subject property. According to the City, approximately 490 linear feet of water mains, and seven service laterals, were installed by the developer to serve the subdivision. The water meters and backflow devices have not been installed. The constructed infrastructure includes 6-inch diameter water mains located on Creekside Oaks and Casa de Campo within the subdivision, and approximately 130 linear feet (total) of 2-inch diameter lateral pipes for the 7-lot subdivision. The City indicates that custom homes will be built on the lots. The service laterals will

be used for a combined domestic water and fire supply. The water system is connected to the City's Zone 3 water system which can serve up to 460 feet (elevation). The City reports that there are no elevation or other topographic issues with the water system infrastructure. The property owners are responsible for all site development, improvements and start-up costs including those associated with the domestic water system; operational and maintenance costs will be funded through water service and water usage fees collected by the City of Martinez.

Environmental Review – The City of Martinez found the extension of water service to the 7-lot subdivision project exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), and has filed a Notice of Exemption. In 1994, the County, as Lead Agency, prepared a Negative Declaration and conditions of approval in conjunction with subdivision. The LAFCO Environmental Coordinator has reviewed these documents and finds they are adequate for LAFCO purposes.

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation of local agency boundaries, and facilitating the efficient provision of public services. The CKH provides that LAFCO can approve with or without amendments, wholly, partially, or conditionally, or deny a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions.

The following options and recommended terms and conditions are presented for the Commission's consideration. In addition, it is recommended that the Commission request the City to provide an update to LAFCO on future annexation activity within a timeframe specified by the Commission.

Option 1 **Approve** the out of agency service request as proposed and approve Resolution No. 18-12 (Attachment 3).

- A. Find that the project is exempt pursuant to section 15061(b)(3) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to Subdivision 7609 - Creekside Oaks (7-lot subdivision) located at Castle Creek Court and Casa de Campo, north of Alhambra Valley Road in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to seven single family residential units,
 - 2. The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

Option 2 **Deny** the request, thereby prohibiting the City of Martinez from providing water service to the subject property.

Option 3 **Continue** this matter to a future meeting in order to obtain more information.

RECOMMENDATION

Option 1 – Approve out of agency service request with conditions as noted.

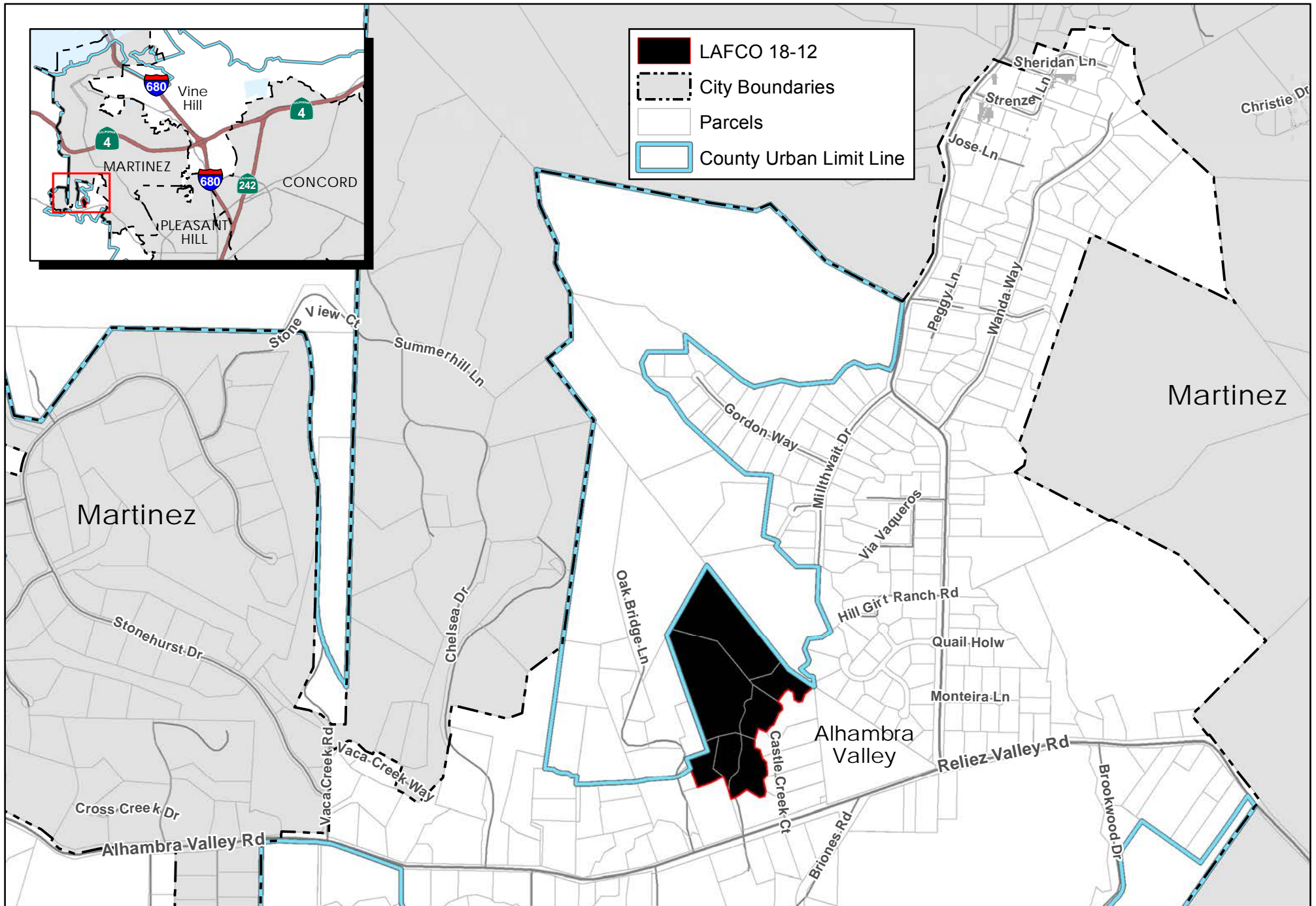
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

1. Map of Subdivision 7609 - Creekside Oaks
2. LAFCO Policies for Out of Agency Service Agreements
3. Draft LAFCO Resolution 18-12

c: Tim Tucker, City of Martinez
Khalil Yowakim, City of Martinez
John D. Curtis, Property Owner (Owner of lots 1 & 2)
Lawrence Ji, US GL Land LLC, Property Owner (Owner of lots 3-7)

LAFCO 18-12 – City of Martinez Out of Agency Service (Subdiv 7609 Creekside Oaks)



2.1. **POLICIES AND STANDARDS**

J. Policies for Out of Agency Service Agreements

1) Introduction:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires a city or special district to obtain written approval from LAFCO prior to providing new or extended service outside its jurisdictional boundary, with certain exceptions (Gov. Code §56133). This section of the CKH sets forth a two-pronged test or criteria under which requests for out of agency services may be approved: either in response to an existing or impending threat to the health or safety of the public, or in anticipation of a later change in organization (i.e., annexation) for areas within the subject agency's sphere of influence (SOI). Specific procedures for submitting an out of agency service application can be found in Contra Costa LAFCO's Commissioner Handbook, section 3.15 Provision of Services by Contract.

2) Purpose:

The purpose of these policies is to guide the Commission in reviewing city and district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes establishing policies and procedures to ensure that the application meets one of the two criteria under which approval may be granted, and to ensure consistency with respect to form, review and consideration of requests.

3) Objective:

The objective of these policies is to ensure that the extension of services by cities and districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Contra Costa County. Out of agency service is generally not intended to support new development.

4) Out of Agency Service Policies: General Statements

- a) Annexation to cities and special districts involving territory located within the affected agency's sphere of influence (SOI) is generally preferred to out of agency service.
- b) LAFCO will consider applicable Municipal Service Reviews (MSRs) and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.
- c) Requests for out of agency service agreements are subject to the applicable provisions of the California Environmental Quality Act (CEQA).
- d) Commission approval is not required for cities or districts to provide new or extended services outside their jurisdictional boundaries if any of the exemptions apply in accordance with §56133(e) – see Section 3.15 for exceptions. The Commission encourages cities and districts to work with the Executive Officer in determining when the statutory exemptions may apply.

5) Form of Request:

a) All Requests

Requests to authorize out of agency service shall be filed with the Executive Officer by the affected city or district. The application shall be signed by an authorized representative of the city or district. Requests shall be made in writing with a completed LAFCO application, payment in the amount prescribed under the Commission's adopted fee schedule, appropriate environmental document, proposed service agreement, and an executed and recorded deferred annexation agreement (DAA) and waiver of property owner protest rights. The recorded DAA shall run with the land and be binding on all future owners of the property. An indemnification agreement will be required with each application.

All requests for out of agency service are subject to the applicable provisions of CEQA.

b) Requests Due to Health or Safety Emergency

The Commission may authorize a city or district to provide new or extended services outside their jurisdictional boundary and outside or inside their SOI in response to an existing or impending threat to public health or safety (“emergency” – e.g., failing well or septic system) with documentation from the County Environmental Health Division, and in accordance with §56133(c) and LAFCO procedures. If LAFCO approves an emergency out of agency service request, and the city or district fails to initiate the provision of services within six months of the Commission’s approval, the out of agency service approval shall expire, unless otherwise specified by LAFCO.

The Commission authorizes the LAFCO Executive Officer, in consultation with the Chair or Vice Chair, to approve a city’s or district’s request for out of agency service if there is an existing or impending public health or safety emergency, as documented by the County Environmental Health Division. The Executive Officer shall report to the Commission on his or her administrative approval of any emergency out of agency service agreements at the next regularly scheduled LAFCO meeting. Such administrative approval can be made if the following criteria are met:

- The property is currently developed
- The lack of service being requested constitutes an *immediate* (i.e., approval needed within two months) health and safety concern as documented by County Environmental Health
- There are physical restrictions on the property that prohibit a conventional service delivery method (i.e., septic tank, private well, etc.)

c) Requests in Anticipation of Annexation

An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. This dual application requirement may be waived in certain situations by the Commission if compelling justification is provided. Circumstances which may warrant such a waiver include, but are not limited to, the following:

- Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011
- Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable
- Other circumstances which are consistent with LAFCO statute and the policies of Contra Costa LAFCO

If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate steps toward eventual annexation.

6) Review of Request

The Executive Officer shall review the request in accordance with CKH and LAFCO’s policies and procedures.

7) Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public

hearing for Commission consideration in accordance with CKH and LAFCO's policies and procedures. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following factors:

- a) The ability of the applicant to extend the subject service to the affected land without adversely affecting current service levels within the existing service boundary.
- b) If the request is to address a health or safety emergency, whether the documentation satisfactorily demonstrates compliance with CKH and LAFCO policies and procedures.
- c) If the request is in anticipation of future annexation, whether the application provides adequate assurances in furtherance of a future annexation.
- d) The application's consistency with the policies and general plans of affected local agencies.
- e) The application's effect on growth and development within and adjacent to the affected land; and whether the out of agency service extension will contribute to premature development of fringe areas or development in areas designated for non-urban uses.
- f) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

The Commission and the Executive Officer, as authorized by the Commission, may approve the request for out of agency service with or without conditions, or may deny the request. Unless otherwise specified in the LAFCO resolution of approval, out of agency service is allowed for the subject application only, and any future extension or expansion of service is subject to LAFCO's approval.

If the request to provide out of agency service is approved or denied, the applicant may request reconsideration within 30 days citing the reasons for reconsideration.

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE
TO SUBDIVISION 7609 (CREEKSIDE OAKS)**

WHEREAS, the above-referenced request has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of this request; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, out of agency service approval is needed in order to provide water services to the property in anticipation of a future annexation; and

WHEREAS, the City of Martinez and the property owners have entered into Deferred Annexation Agreements in support of the future annexation of the property to the City of Martinez.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- A. Find that the project is exempt pursuant to section 15061(b)(3) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to a 7-lot Subdivision 7609 (Creekside Oaks) (APNs 367-140-011/012/013/016/017/018/019, located at Castle Creek Court and Casa de Campo, north of Alhambra Valley Road in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to seven single family residential dwelling units on the subject parcels,
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 - 3. The City of Martinez and the property owners have signed deferred annexation agreements (DAAs), and the DAAs were recorded as prescribed by law and run with the land so that future landowners have constructive notice that their property is encumbered by the DAAs.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED THIS 9th day of January 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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: January 9, 2018

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Michael R. McGill <i>Special District Member</i>
Donald A. Blubaugh <i>Public Member</i>	Rob Schroder <i>City Member</i>
Federal Glover <i>County Member</i>	Igor Skaredoff <i>Special District Member</i>
	Don Tatzin <i>City Member</i>

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>

January 9, 2019
Agenda Item 9

January 9, 2019 (Agenda)

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Status Report - Dissolution of Los Medanos Community Healthcare District Protest Hearing

Dear Commissioners:

This is a status report regarding the protest hearing held on November 30, 2018.

At a noticed public hearing on September 12, 2018, the Commission approved dissolution of the Los Medanos Community Healthcare District (LMCHD). The District serves the Pittsburg/Bay Point area. The proposal to dissolve the LMCHD was submitted by Contra Costa County.

At a subsequent hearing on November 14, 2018, the Commission considered a request for reconsideration submitted by the LMCHD and disapproved the request for reconsideration. At both the September and November LAFCO hearings, LAFCO received opposition to the dissolution from the District and members of the public, at least some of whom were presumably landowners and/or registered voters within the affected area. Consequently, a protest hearing was required under the law. At the November hearing, the Commission directed LAFCO staff to proceed with the protest hearing.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is the agency that conducts the protest hearing, the purpose of which is to receive written protests from affected landowners and/or registered voters regarding the proposal and determine whether a majority protest exists. With regard to this dissolution, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

- **Order the dissolution** if written protests have been filed by less than 25% of registered voters or landowners owning less than 25% of the assessed value of land within the subject area; or
- **Order the dissolution subject to an election** if at least 25% but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land protest; or
- **Terminate the proceedings** if written protests have been filed by a majority of voters in the subject area.

The protest hearing was properly noticed and was held on Friday, November 30, 2018, at 11:00 a.m. at 651 Pine Street, 1st Floor (Board of Supervisors Chambers) in Martinez, CA. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission pursuant to the CKH [section 57000(c)] and local LAFCO policy (1.4 Rules and Procedures, subsection G). Approximately 12 people attended the hearing.

At the conclusion of the hearing, the number of protests received prior to and during the hearing were submitted to the Contra Costa County Elections Department for certification. The County Elections Office is currently verifying the written protests. LAFCO staff anticipates receiving the results of the protest prior to the January 9th LAFCO meeting, and will report the result at that time.

Following receipt of the results of the protest hearing, the Commission will be asked to take one of the following actions: 1) adopt a resolution ordering the dissolution; or 2) adopt a resolution ordering the dissolution subject to confirmation by the voters.

Sincerely,

Lou Ann Texeira
Executive Officer

c: Distribution List

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 9, 2019 (Agenda)

January 9, 2019
Agenda Item 10

LAFCO 18-15

Dissolution of County Service Area (CSA) Area M-9

APPLICANT

Contra Costa LAFCO by Resolution adopted December 12, 2018

**ACREAGE &
LOCATION**

CSA M-9 comprises 0.41± acres and includes one parcel (Assessor Parcel Number 365-220-025), which is owned by the East Bay Municipal Utility District (EBMUD). The subject area is located north of the City of Orinda as shown on the attached map (Attachment 1).

SYNOPSIS

CSA M-9 was formed in 1969 as a County funding mechanism for street lighting, street sweeping and parkway maintenance services. According to Contra Costa County records, CSA M-9 has been inactive since 1990. LAFCOs are compelled by the State to dissolve inactive districts, and special provisions are included in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) to facilitate the dissolution process.

BACKGROUND

Upon formation in 1969, CSA M-9 was authorized to provide street lighting facilities, street sweeping and parkway maintenance services to territory that was then unincorporated Orinda. When the City of Orinda incorporated in 1985, the City assumed these services previously provided by CSA M-9. Since the December 2018 LAFCO meeting, we learned that only one parcel remains in CSA M-9, which is outside the City of Orinda and owned by the East Bay Municipal Utility District (EBMUD). This parcel has a County General Plan designation of Watershed (WS).

CSA M-9 has been inactive since 1990, as confirmed by the County. In November 2018, LAFCO received a letter from the State Controller's Office (SCO) which identified CSA M-9 as an "inactive district" and a candidate for dissolution. New law requires LAFCO to dissolve inactive districts following one public hearing.

In September 2017, the Governor signed Senate Bill (SB) 448 which defines "inactive districts" and requires the SCO to publish a list of inactive special districts and notify LAFCOs of inactive districts in their county. The bill requires LAFCO to initiate dissolution of inactive districts within a specified timeframe following notification from the SCO, unless LAFCO determines that the district does not meet the criteria for "inactive district." SB 448 also establishes an expedited process for LAFCOs to dissolve inactive districts. SB 448 became effective January 1, 2018.

On December 12, 2018, the Commission considered the above information and adopted a resolution initiating dissolution of the CSA M-9.

DISCUSSION

Factors for Consideration - Government Code (GC) section 56668 sets forth factors that the Commission is required to consider in evaluating any change of organization (e.g., dissolution). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal. These factors are analyzed in Attachment 2, and several are discussed below.

Tax Rates, Assessed Value, Assets and Liabilities - The subject area includes one Tax Rate Area (TRA), 83015. The assessed value for the proposal area is \$1,035 based on the 2017-18 roll.

CSA M-9 receives no property tax funding, has no current assessments, no assets and no liabilities.

Designation of Successor Agency and Plan for Service - The CKH provides that should LAFCO dissolve a district, it shall identify the effective date of dissolution, designate a successor agency to wind up the affairs of the extinguished agency, and may apply other terms and conditions with its action pursuant to GC sections 56885 – 56890.

If the territory of a dissolved district is located entirely within the unincorporated territory of a county, the county is deemed the successor agency pursuant to GC section 57451(b). CSA M-9 is located entirely in unincorporated Contra Costa County. However, given CSA M-9 has no assets or liabilities, and the parcel is owned by a public agency, there is no need to designate a successor agency. LAFCO staff will coordinate with the County, if necessary, regarding any final steps to wind up the affairs of CSA M-9.

Commission Proceedings – A dissolution may be initiated by LAFCO pursuant to GC section 56375(a).

In accordance with SB 448 relating to dissolving inactive districts, the following provisions were added to the Government Code:

56042 "Inactive district" means a special district that meets all of the following:

- (a) The special district is as defined in section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.
- (d) The special district has no outstanding debts, judgements, litigation, contracts, liens, or claims.

56879 (a) On or before November 1, 2018, and every year thereafter, the Controller shall create a list of special districts that are inactive, as defined in section 56042, based upon the financial reports received by the Controller pursuant to section 53891. The Controller shall publish the list of inactive districts on the Controller's Internet Web site. The Controller shall also notify the commission in the county or counties in which the district is located if the Controller has included the district in this list.

(b) The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in section 56042.

(c) The commission shall dissolve inactive districts. The commission shall hold one public hearing on the dissolution of an inactive district pursuant to this section no more than 90 days following the adoption of the resolution initiating dissolution. The dissolution of an inactive district shall not be subject to any of the following:

- (1) Chapter 1 (commencing with section 57000) to Chapter 7 (commencing with section 57176), inclusive, of Part 4.
- (2) Determinations pursuant to subdivision (b) of section 56881.
- (3) Requirements for commission-initiated changes of organization described in paragraph (3) of subdivision (a) of section 56375.

Before LAFCO can dissolve CSA M-9, LAFCO must hold a public hearing on the proposed dissolution. In conjunction with today's hearing, LAFCO published a legal notice in the *Contra Costa Times*, and mailed notices to all landowners and registered voters within the subject area, and to all landowners and voters within 300 feet of the subject area. As of this writing, no comments were received.

Given CSA M-9 meets the definition of "inactive district" (GC section 56042), the provisions of GC section 56879 apply and the protest hearing is waived.

Environmental Impact of the Proposal - The LAFCO initiated proposal to dissolve CSA M-9 is a jurisdictional change and has no physical effects on land use or the environment. As Lead Agency, LAFCO

finds the project exempt pursuant to the California Environmental Quality Act (CEQA) pursuant to Class 20 – Changes in Government Organization (section 15320). The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

CONCLUSION

One of the fundamental goals of LAFCOs is to ensure the efficient and effective provision of municipal services in an accountable manner. The proposed dissolution will terminate an inactive district, consistent with LAFCO's mission.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider approving one of the following options:

Option 1

1. Approve the dissolution and required findings as proposed pursuant to the following:
 - a. The affected territory is located entirely within an unincorporated area of Contra Costa County.
 - b. The reason for the proposal is to dissolve an inactive district.
2. Find that the project is Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) Class 20 – Changes to Government Organization.
3. Find that the subject territory is uninhabited, meets the criteria of an inactive district pursuant to GC section 56042, and that the protest proceedings are hereby waived pursuant to GC section 56879.
4. Adopt LAFCO Resolution No. 18-15 (Attachment 3) approving dissolution of CSA M-9 and setting forth the Commission's terms, conditions, findings and determinations.

Option 2

DENY the proposal to dissolve CSA M-9.

Option 3

If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTIONS:

Approve Option 1 to dissolve CSA M-9

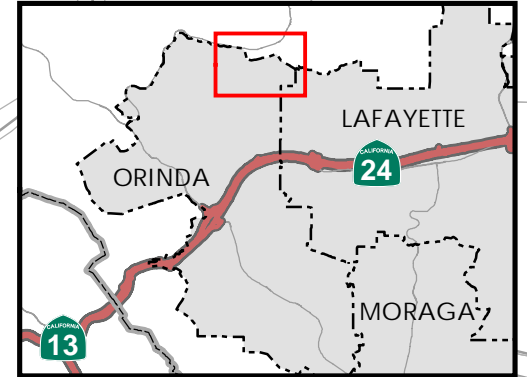
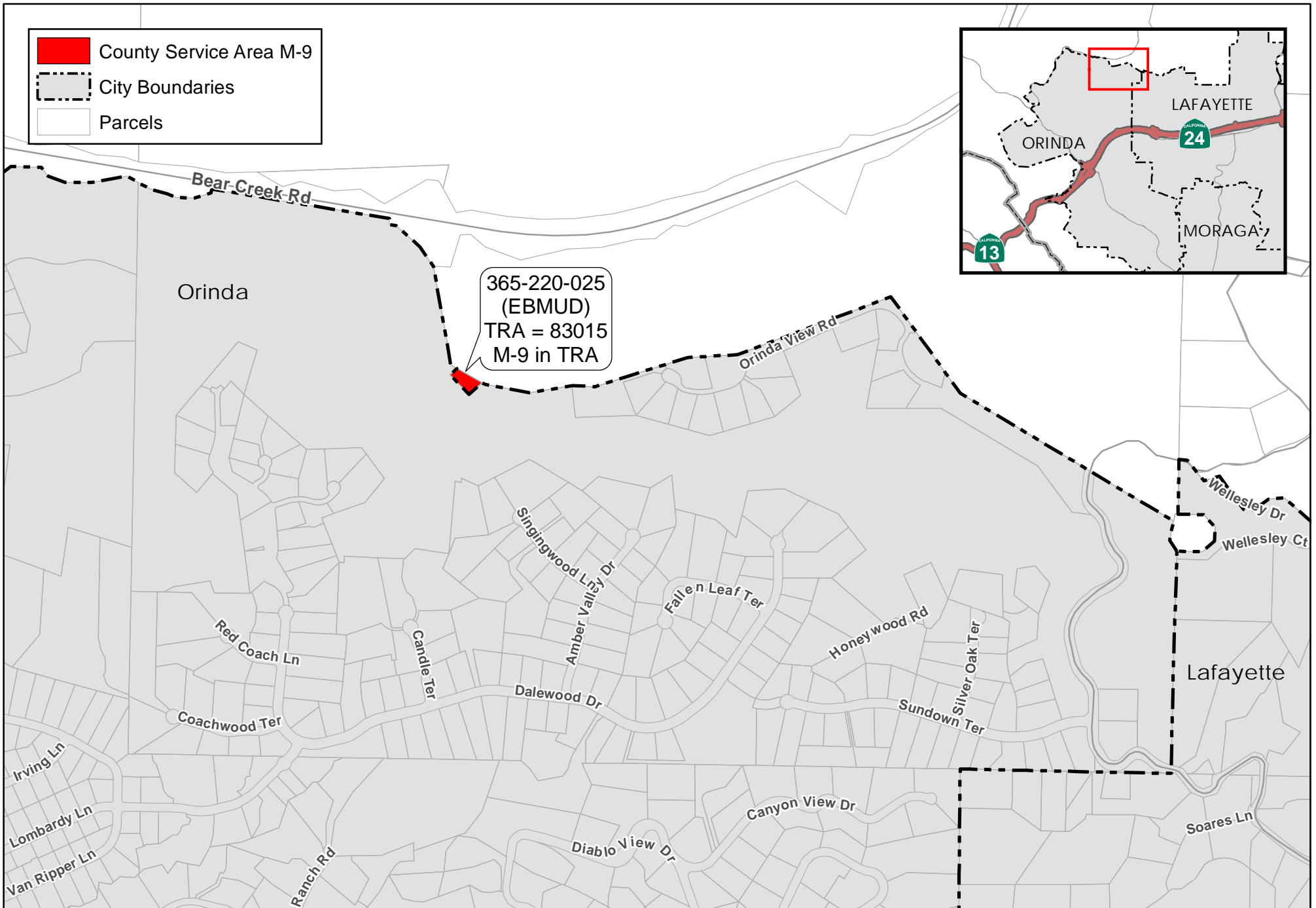
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments:

1. Map of CSA M-9
2. Factors for Consideration (GC section 56668)
3. Draft LAFCO Resolution No. 18-15

c: Contra Costa County Auditor-Controller
Contra Costa County Assessor
Contra Costa County Public Works Director
Andrew Lee, EBMUD

County Service Area M-9



DISSOLUTION OF COUNTY SERVICE AREA M-9**Factors for Consideration (California Government Code §56668)**

FACTOR	COMMENTS
(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	The subject area comprises 0.41+ acres and includes one parcel located in the unincorporated Orinda area, north of the City of Orinda. The parcel has a County General Plan designation of Watershed (WS). The subject area is uninhabited.
(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	N/A
(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	It is not anticipated that dissolution of CSA M-9 would affect adjacent areas or the local government structure of the County.
(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. <i>(Note: Section 56377 encourages preservation of agricultural and open space lands)</i>	The subject area is designated for watershed uses. The dissolution would have no effect the current use, or on development or on policies and priorities in Section 56377.
(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	The subject area will have no effect on agricultural lands.
(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	The parcel that comprises the subject territory has specific boundary lines that are certain and identifiable.
(g) A regional transportation plan adopted pursuant to Section 65080.	N/A

FACTOR	COMMENTS
(h) The proposal's consistency with city or county general and specific plans.	The dissolution will have no effect on the County General Plan.
(i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.	The dissolution will have no effect on the SOIs of any local agency.
(j) The comments of any affected local agency or other public agency.	As of this writing, no agency comments were received.
(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	N/A
(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	N/A
(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	N/A
(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.	As of this writing, no comments were received.
(o) Any information relating to existing land use designations.	The County's General Plan designation for the area is Watershed (WSL). No changes to the existing land uses will result from this change of organization.
(p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.	The dissolution will have no effect on environmental justice or to the fair treatment of people of all races, cultures and incomes.
56668.5. The commission may, but is not required to, consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis. This section does not grant any new powers or authority to the commission or any other body to establish regional growth goals and policies independent of the powers granted by other laws.	Dissolution of CSA M-9 will not affect or be affected by Plan Bay Area, in that the Plan focuses on Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs); and the affected territory is neither.

RESOLUTION NO. 18-15

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING DISSOLUTION OF
COUNTY SERVICE AREA M-9**

WHEREAS, on December 12, 2018, the Contra Costa Local Agency Formation Commission (LAFCO) adopted a resolution initiating dissolution of County Service Area (CSA) M-9 pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer has issued a certificate of filing deeming the application complete; and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; 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, Spheres of Influence (SOIs) and related information; and

WHEREAS, CSA M-9 comprises 0.41± acres and includes one parcel (APN 365-220-025) and is located north of the City of Orinda; and

WHEREAS, CSA M-9 was formed in 1969 and was authorized to provide street lighting facilities, street sweeping and parkway maintenance services to territory that was then unincorporated Orinda; and

WHEREAS, when the City of Orinda incorporated in 1985, the City assumed these services previously provided by CSA M-9; and

WHEREAS, CSA M-9 is an inactive district as defined in Government Code section 56042; and

WHEREAS, CSA M-9 has no assets or liabilities and can be dissolved pursuant to Government Code section 56879; and

WHEREAS, because CSA M-9 has no assets or liabilities, there is no need for the Commission to identify a successor under Government Code section 57451.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The subject proposal is assigned the distinctive short-form designation:

DISSOLUTION OF COUNTY SERVICE AREA M-9

2. CSA M-9 is located entirely within unincorporated Contra Costa County. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment 1, attached hereto and made a part hereof.
3. The proposal was initiated by LAFCO, the subject territory is uninhabited, and the protest proceedings are hereby waived pursuant to Government Code section 56879.

4. Notice of the Commission’s hearing regarding this proposal was advertised in the *Contra Costa Times*, and notices were mailed to all landowners and registered voters within the subject area, as well as landowners and voters within 300 feet of the subject area and affected and interested agencies and individuals.
5. In reviewing this proposal, the Commission has considered the factors required by Government Code section 56668.
6. The Commission finds that dissolution of CSA M-9 is Categorically Exempt pursuant to the California Environmental Quality Act Class 20 – Changes to Government Organization (section 15320).
7. The effective date of the dissolution shall be the date of filing the certificate of completion of the proposal.

* * * * *

PASSED AND ADOPTED THIS 9th day of January 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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.

Dated: January 9, 2019

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Michael R. McGill <i>Special District Member</i>
Donald A. Blubaugh <i>Public Member</i>	Rob Schroder <i>City Member</i>
Federal Glover <i>County Member</i>	Igor Skaredoff <i>Special District Member</i>
Don Tatzin <i>City Member</i>	

ALTERNATE MEMBERS

Diane Burgis <i>County Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>

January 9, 2019 (Agenda)

January 9, 2019
Agenda Item 11

Contra Costa Local Agency Formation Commission (LAFCO)
651 Pine Street, Sixth Floor
Martinez, CA 94553

Policies and Procedures Committee Appointment

Dear Commissioners:

In 2006, the Commission appointed Commissioner Tatzin to serve on the LAFCO Policies & Procedures Committee (P&PC), and in 2012, the Commission appointed Commissioner Blubaugh to serve on the P&PC. Recently, Commissioner Tatzin “detached” from Contra Costa LAFCO, thus creating a vacancy on the P&PC.

In the upcoming year, the P&PC will resume work on updating the Commission’s policies and procedures in accordance with the Commission’s annual work plan. The P&PC is an ad hoc “working committee” and it is desirable to have two Commissioners serving on this Committee.

RECOMMENDATION - It is recommended that the Commission appoint one additional member to the LAFCO Ad Hoc Policies & Procedures Committee.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

e-mail: LouAnn.Texeira@lafco.cccounty.us

(925) 335-1094 • (925) 335-1031 FAX

Lou Ann Texeira
Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Michael R. McGill <i>Special District Member</i>
Donald A. Blubaugh <i>Public Member</i>	Rob Schroder <i>City Member</i>
Federal Glover <i>County Member</i>	Igor Skaredoff <i>Special District Member</i>
Don Tatzin <i>City Member</i>	

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January 9, 2019

January 9, 2019
Agenda Item 12

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Second Quarter Budget Report - Fiscal Year 2018-19

Dear Members of the Commission:

This is the second quarter budget report for FY 2018-19, which compares adopted and actual expenses and revenues for the period July 1, 2018 through December 31, 2018.

The LAFCO operating budget includes three components: salaries/benefits, services/supplies, a contingency/reserve fund, Other Post-Employment Benefits (OPEB) Trust and retirement pre-funding account. The budget is based on the “bottom line,” which allows for variation within line item accounts as long as the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

LAFCO’s budget is funded primarily by the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

DISCUSSION

On May 9, 2018, LAFCO adopted its final FY 2018-19 budget with total appropriations of \$996,415, which includes an \$80,000 contingency/reserve fund, a contribution of \$40,000 to fund the OPEB liability, and a contribution of \$30,000 to pre-fund LAFCO’s retirement account with the Contra Costa County Employees’ Retirement Association (CCCERA).

With 50% of the fiscal year elapsed, the Commission’s second quarter expenditures are \$357,511 or 36% of total appropriations. The Commission budgeted \$454,786 in *salaries/benefits* for FY 2018-19; at the end of the second quarter, actual expenses total \$170,006 or 38% of the budgeted amount. The Commission budgeted \$391,629 in *services/supplies*; and at the end of the second quarter, actual expenses total \$147,505 or 38%. The \$40,000 payment toward the OPEB liability is reflected in the second quarter budget report; the \$30,000 CCCERA liability payment is not yet reflected.

The primary sources of revenues are local agency contributions, application fees, and available fund balance. Total revenues received during the second quarter are \$995,737 (including fund balance) or 99.9% of projected revenues.

Other sources of revenue include application fees, interest earnings and fund balance. Regarding application fees, FY 2018-19 application activity is slightly lower than FY 2017-18 activity. During the first two quarters of FY 2018-19, LAFCO received seven new applications, compared to eight new applications received during the first two quarters of FY 2017-18.

Regarding interest earnings, LAFCO is currently receiving some investment earnings through the OPEB trust account, which remains in that account.

Finally, when available, we budget available fund balance to offset agency contributions. The FY 2018-19 budget includes \$175,000 in budgeted fund balance.

A summary of second quarter expenditures and revenues is presented in the table below.

Account	FY 2018-19 Final Budget	Second Quarter Actuals
Salaries & Benefits	\$454,786	\$170,006
Services & Supplies	391,629	147,505
Contingency/Reserve	80,000	0
OPEB Trust	40,000	40,000
CCCERA Pre-Fund	30,000	0
Total Appropriations	\$996,415	\$357,511
Agency Contributions	\$796,415	\$796,400
Application/Other Revenue	20,000	24,337
Interest Earnings	-	-
Fund Balance	175,000	175,000
Total Revenues	\$996,415	\$995,737

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

RECOMMENDATION

It is recommended that the Commission receive the FY 2018-19 second quarter budget report.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

**CALAFCO Daily Legislative Report
as of Wednesday, January 02, 2019**

Total Measures: 0
Total Tracking Forms: 0

1/2/2019 10:08:45 AM

January 9, 2019
Agenda Item 14a

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – January 9, 2019

January 9, 2019
Agenda Item 14b

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
LAFCO No. 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District: proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	Feb 2013	Continued from 11/12/14 meeting
LAFCO No. 14-05 - Reorganization 186 (Magee Ranch/SummerHill): proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) of 402± acres; 9 parcels total to CCCSD (8 parcels) and EBMUD (7 parcels)	June 2014	Removed from Commission's calendar pending further notice
LAFCO No. 16-07 - Tassajara Parks Project – proposed SOI expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 16-06 - Tassajara Parks Project – proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO 18-13 – Santiago Island Village - proposed SOI expansions to CCWD and Diablo Water District (DWD) of 23.11± acres located at 3505 Gateway Road in unincorporated Bethel island	October 2018	Under review
LAFCO 18-14 - Santiago Island Village Reorganization - proposed annexations to CCWD and DWD of 23.11± acres located at 3505 Gateway Road in unincorporated Bethel island	October 2018	Under review
LAFCO No. 18-16 – City of Martinez Out of Agency Service (2 Millican Court)	December 2018	Under review

The Mayor Is Betting That Less Required Parking Will Mean More Housing

January 9, 2019
Agenda Item 14c

Mayor Kevin Faulconer's proposal assumes that freeing developers from requirements to include parking in new housing projects may clear the way for smaller, more affordable units.

[Lisa Halverstadt](#)
[December 6, 2018](#)

Mayor Kevin Faulconer is placing a bet that axing required parking for new housing near transit will deliver more homes at a lower cost and reduce San Diegans' reliance on cars.

The city has long required home builders to incorporate parking in their projects. Last month, Faulconer [announced a plan](#) to eliminate that mandate within a half mile of transit hubs and unbundle parking from new multifamily projects in those areas. His plan would also compel projects near transit to add amenities such as bike storage, subsidized transit passes or other options.

Builders could still include parking if that's what they decided buyers and renters wanted. And the people who live in the new buildings may very well still drive or pay for parking options. But the mayor's proposed regulatory rollback aims to let the market, rather than the government, dictate what's produced. If builders have to include parking spots, they will likely build larger housing units that cost more and can help them pay for the total construction.

The current code requires builders to provide at least one or two parking spaces in areas near transit.

The theory is that freeing them of this requirement may clear the way for smaller, more affordable units and lower the hurdle people with low incomes must overcome to get into new housing.

"You will all of the sudden be able to do zero parking as long as you're in a [transit priority area](#)," said Mike Hansen, the city's planning director.

Cities including Portland and Seattle have approved similar policies that apply to many new projects, and San Francisco on Tuesday became the first major city to [eliminate parking minimums](#) throughout the city.

Faulconer's team expects to send the proposal to the San Diego City Council this spring. If the Council approves the mayor's plan, it would be one of his administration's most substantive housing reforms.

The reforms in San Diego and elsewhere are partly inspired by a movement to eliminate requirements that can add tens of thousands of dollars to the cost of each apartment or condo in a development. San Diego officials estimate a single parking space can cost \$35,000 to \$90,000, a hefty sum then factored into rents and housing costs.

San Diego bureaucrats are also focused on meeting a [Climate Action Plan target](#) to cut greenhouse gas emissions in half by 2035, and have concluded that San Diegans must dramatically curtail car trips to help the city meet it. They believe increased development near transit stops will help.

Homebuilders, planning wonks and even progressives who don't always align with Faulconer have cheered his proposal.

The development community has been particularly supportive.

"Putting these incentives to produce more housing along transit lines could help go toward achieving their (environmental) goals and go toward our goal to produce more housing that working families can afford," said Matt Adams, vice president of the Building Industry Association.

Developer and architect Andrew Malick, who focuses on small and mid-sized projects, said he also considers the mayor's proposal a potential gamechanger.

Malick concluded in an analysis shared with the planning commission earlier this year that the average size of developable lots in areas near transit in the city is just 11,700 square feet – meaning there's little space for parking.

He said reducing parking requirements, which also has the benefit of substantially reducing project costs, will help developers experiment with projects that come with fewer on-site parking spaces, particularly in smaller lots and projects.

"To allow the developer the flexibility to test the market is really powerful," Malick said.

Malick and others emphasize major change won't come overnight.

Adam Covington, California development director for large-scale mixed-use developer StreetLights Residential, said he backs Faulconer's proposal but predicts it will be difficult to significantly decrease parking in many projects early on.

Covington said his experience with projects even in dense neighborhoods such as Little Italy and Bankers Hill has taught him that residents tend to work in other neighborhoods and would need easy access to reliable transit and nearby amenities such as grocery stores and childcare to feel comfortable without a car – the sort of amenities that the city also plans to encourage with the new regulations.

"San Diego infrastructure is just not quite there yet," Covington said.

Like any proposal in San Diego that involves potential parking reductions, the mayor's pitch [is also likely to face opposition](#) from concerned residents and businesses.

There were hints of that last month when the mayor announced his plan on social media.

“Good luck finding a parking spot,” one Facebook commenter [wrote](#).

“But there’s not nearly enough parking in San Diego,” another [wrote on Twitter](#). “Your ‘solution’ will make things worse.”

But city officials say data they have gathered revealed San Diegans may already not need as much parking as they think.

Before they crafted the proposed policy, the city hired local transportation consultant Chen Ryan Associates to study parking policies in peer cities as well as parking patterns in 35 of San Diego’s so-called transit priority areas.

Alyssa Muto, the city’s deputy director of environment and mobility planning, said that research revealed the demand for parking in areas near transit was largely below even the lowest levels the city studied – a result that opened the door to the proposal to remove parking requirements altogether in those zones.

“That’s what gave us the green light to look forward versus just where industry or development is today,” Muto said.

City bureaucrats, developers and other experts acknowledge parking changes aren’t a silver bullet solution to the city’s housing or climate woes. They don’t expect builders to instantly stop incorporating car parking in their projects – or an immediate, dramatic uptick in housing projects or transit use.

The city also hasn’t set targets or predicted the changes it could see from the new regulation.

Instead, officials are focused on the holistic goal to incentivize alternate forms of transportation, lower-cost housing options and increased development near transit as the city and its housing market change.

“It’s really looking forward at what our lifestyles will be like in the future,” Muto said.

Indeed, Colin Parent, executive director of the mobility-focused nonprofit Circulate San Diego, predicted developers will for now continue to pitch projects that include parking if the regulations are approved next year.

“I think probably what you’ll see is you’ll see more developments with some parking, just less than they would have had before,” said Parent, whose organization backs Faulconer’s proposal.

More dramatic change will likely take years.

Portland’s principal planner Eric Engstrom, whose city implemented parking reforms that served as a model for San Diego’s proposal, said the city initially saw little change after it eliminated parking requirements for some developments.

It took real estate investors and banks that finance projects some time to get comfortable with the idea, he said.

Now, Engstrom said, developers build an average of one space for every two units they produce. Some buildings have no parking. Most others have about one space per unit.

Many residents of those new buildings still own cars, and there have been complaints about parking congestion in some neighborhoods.

But Engstrom said the parking reforms seem to have encouraged more transit use to and from work while reducing the cost of housing – a tradeoff that he said politicians have described as the price for a more sustainable economy.

If Faulconer's proposed changes are approved, Muto said the city will watch closely to ensure the new regulations are working.

“We know that it's going to take time and we believe now is the time to put in a zero-parking regulation minimum,” Muto said. “We can continue to monitor from there how development is coming in and make adjustments or additional regulatory improvements as time goes on.”

The Modesto Bee

Fight over river flows heads to historic Water Board meeting in Sacramento

[By Ken Carlson](#)

December 11, 2018 04:35 PM,

As all eyes turn to the State Water Resources Control Board on Wednesday, the board won't have complete settlement agreements with Modesto-area irrigation districts to consider at a crucial meeting.

At most, the districts and negotiators with the state Natural Resources Agency will have the basic framework of an agreement that's an alternative to a state plan for river flows that is fiercely opposed by water users and local agencies in Stanislaus County.

The Modesto Irrigation District board of directors had no announcement after a closed-door session held Tuesday to discuss potential litigation.

Top officials with the state Natural Resources Agency are expected to give an update on the talks at Wednesday's meeting in Sacramento. If there is a framework for an agreement, the state board could approve a much-disputed update to its Bay-Delta water quality plan, which could serve as a baseline for considering detailed voluntary settlements with water districts after Gavin Newsom is sworn in as governor in January.

It's also possible the water board could postpone the matter again. The issue was continued from a Nov. 7 meeting at the request of Gov. Jerry Brown and Newsom, who wanted to allow more time for negotiated agreements with the water districts.

MID Board Member John Mensinger said there is general agreement on many issues with the state Natural Resources Agency, which includes the departments of Fish and Wildlife and Water Resources, among other agencies.

"What we are talking about is much better," Mensinger said Monday. "On most issues there is general agreement. What was in the Bay-Delta plan and (supplemental environmental document) was unacceptable."

The Oakdale and South San Joaquin irrigation districts and Merced Irrigation District have tried to negotiate their own agreements for flows in the Stanislaus and Merced rivers, respectively.

Tom Orvis, board president of Oakdale Irrigation District, sounded less optimistic Tuesday. "This is completely in a state of flux," Orvis said. "I plan on attending the meeting tomorrow to

see what happens. ... No matter what happens, the legal teams on both sides are going to be at the ready.”

In July, the irrigation districts and communities in the Northern San Joaquin erupted after the state released a proposal for leaving 40 to 50 percent of unimpaired flows in the Tuolumne, Stanislaus and Merced rivers with a goal of doubling depleted salmon populations in the rivers.

The state water board said those higher flows, at the expense of farmers and city water customers, were needed to revive the troubled ecosystem in the Sacramento-San Joaquin Delta.

Assemblyman Adam Gray, D-Merced, organized a rally in Sacramento attended by 1,500 residents from the valley and other places in California, saying the state proposal would take too much water, wreak havoc on the farm-based communities and lead to groundwater overdrafting.

The fairness of the flow requirements on the tributaries of the lower San Joaquin River is seriously questioned. The plan requires nothing from upper San Joaquin water users who are said to have more political clout.

The state board has said there is flexibility in the plan, allowing the 40 percent flow requirement to be used as a budget for restoring salmon in the rivers, and will consider voluntary settlements that achieve the goals of the Bay-Delta plan.

“We prefer a deal that improves the fisheries while maintaining our water rights and our economy,” TID Board Member Michael Franz said Tuesday. “We need the water board to do the right thing for that to happen.”

The state board also is under pressure to stop delaying and approve the water quality update for the delta. In a news release, the Environmental Defense Fund said the board could approve the plan to benefit salmon and still keep the door open for voluntary agreements “if reached by all parties.”

The MID and TID, along with the San Francisco Public Utilities Commission, say they have a comprehensive plan for restoring salmon in the Tuolumne, including \$171 million in restoration and habitat projects. An MID spokesperson said the funds would be spent over the 30- to 40-year life of a Federal Energy Regulatory Commission license renewal for Don Pedro dam.

Larry Byrd, an MID board member, said the district would prefer to avoid years of litigation that usually follow water policy decisions in California. “We will spend a lot of money on the Tuolumne, but it has to be for fish restoration and to enhance fish habitat,” Byrd said. “We are not going to give up 40 percent flows.”

For all of the districts, the key issues are the amount and timing of river flows to support salmon migration, the amount of cold storage held in reservoirs for fish management and possible “offramps” to keep from draining reservoirs in consecutive dry years.

“Everyone seems to be talking about a suite of flow, habitat restoration and predation management,” said John Sweigard, general manager of the Merced Irrigation district. “It appears there is frustration on all sides.”

A California Natural Resources Agency didn’t have a comment on the progress of negotiations Tuesday.

The irrigation districts want to prevent scenarios in which no water is delivered to farmers in dry years, which would result in pumping and depletion of groundwater basins. With regular cuts to irrigation, farmers converting to lower-value crops would erode property values and tax revenue for public services.

The city of Modesto uses treated water from the Tuolumne River to supplement its drinking water wells and would receive the same reductions as farmers if the MID is forced to cut water deliveries.

The Sacramento Bee

California unveils \$1.7 billion plan for rivers, fish. Will it ward off a water war?

[By Ryan Sabalow](#) and Dale Kasler

December 12, 2018 12:42 PM,

Farmers ‘fed up’ with state water grab

Merced farmers showed up in downtown Merced on tractors Monday morning to take a stand against the State Water Resources Control Board's Bay-Delta Plan.

By McClatchy

Hoping to head off one of the [biggest California water wars](#) in decades, state officials Wednesday proposed a sweeping, \$1.7 billion plan to prop up struggling fish populations across many of the state's most important rivers.

Capping 30 days of feverish negotiations, the Department of Water Resources and the Department of Fish and Wildlife unveiled a dramatic plan that would reallocate more than 700,000 acre-feet of water from farms and cities throughout much of the Central Valley, leaving more water in the rivers and the Sacramento-San Joaquin Delta to support ailing steelhead and Chinook salmon populations.

That's enough water to fill up three quarters of Folsom Lake, and several thousand acres of farmland would be fallowed as a result.

In addition, agricultural irrigation districts and municipal water agencies up and down the Central Valley have tentatively agreed to surcharges on their water to pay for massive habitat restorations to help fish — improved spawning grounds, development of nutrient-rich floodplains and more. The districts would kick in a total of \$800 million and the state is planning to contribute \$900 million, using water-bond proceeds and other sources, said Karla Nemeth, director of the Department of Water Resources.

The proposal was quickly blasted by many environmentalists as insufficient to save the fish. But members of Gov. Jerry Brown's administration said it would smooth the way to make progress on the rivers as early as next year.

“It's exciting and an important way to make things actually happen in a timely way,” Nemeth told members of the State Water Resources Control Board. Chuck Bonham, director of Fish and Wildlife, said the compromise plan represents an effort at “collaboration over conflict.”

It was far from certain, however, if the plan would bring peace to warring water factions. The board was set to vote later Wednesday on an even more dramatic proposal to roughly double the amount of water that stays in the rivers in order to benefit fish populations. The plan, unveiled over the summer, would require Valley farmers and cities such as San Francisco and Modesto to surrender even greater amounts of water than the plan presented by Nemeth and Bonham.

Notably, Bonham and Nemeth said they were unable to secure compromise agreements from water agencies that draw on the Merced and Stanislaus rivers — two of the most important rivers in the Valley watershed.

And the plan they did propose found little favor in the environmental community, which could sue in an effort to block the proposal. Doug Obegi of the Natural Resources Defense Council said the state plan doesn't go nearly far enough in requiring cities and farms to relinquish water. "The state keeps asking for less to get to 'yes,'" he said in an interview.

Trout Unlimited — an organization where Bonham worked for a decade — rejected the plan, too, saying it "falls short of meeting the needs of fishing families and salmon and steelhead in too many California rivers and the Delta estuary." Regina Chichizola of Save California Salmon urged the board to vote right away: "The salmon are at the point where they can't wait any longer."

The state water board has spent years studying water flows on the Sacramento and San Joaquin watersheds, and earlier this year rolled out a final plan for leaving 40 percent of the San Joaquin's flow in the river and its tributaries. A similar plan for the Sacramento River watershed was set for a vote next year.

State water board officials describe the situation as dire. In the San Joaquin rivershed, currently as little as 20 percent of the water stays in the rivers. Felicia Marcus, chairwoman of the board, has said the status quo has put endangered fish species "on the verge of collapse," even as she has acknowledged the hardships that farms and cities would face because of the board's proposal.

She said the board was attempting to "achieve that elusive balance" between the environment and human needs.

The state board, composed of Brown appointees, was poised to vote on the flows reallocation plan last month. But it agreed to a postponement after an 11th-hour request from Brown and Gov.-elect Gavin Newsom, who wanted to give state negotiators more time to reach a compromise with local water agencies, farmers and others.

"A short extension will allow these negotiations to progress and could result in a faster, less contentious and more durable outcome," Brown and Newsom wrote in November. "Voluntary agreements are preferable to a lengthy administrative process and the inevitable ensuing lawsuits."

The settlement plans unveiled by Bonham and Nemeth represent a partial solution. For instance, the city of San Francisco partnered with two agricultural irrigation districts in the San Joaquin Valley on a compromise agreement covering flows on the Tuolumne River, the third main tributary of the San Joaquin. Those water agencies would give up as much as 99,000 acre-feet of water and would spend millions on habitat restoration.

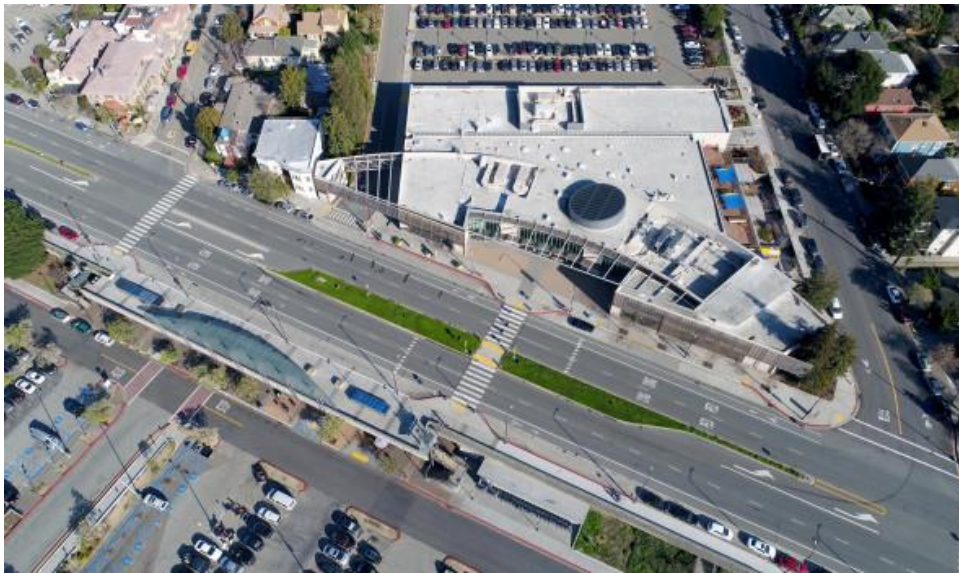
Bonham said the Tuolumne agreement represented “a touch of courage” on the part of San Francisco and the farm districts. Similar settlements were made on the Sacramento, American and Feather rivers, and by water users in the Delta itself.

The plan unveiled Wednesday comes at an unusually contentious time in California’s water world. The Trump administration, which wants [more water shipped to Valley](#) farmers, has pledged to sue California to block the plan that the water board has been contemplating. In recent weeks, it’s stepped up pressure on state officials by threatening to withdraw the federal government’s support for Gov. Jerry Brown’s \$16.7 billion Delta tunnels project, according to environmental groups that are fighting the tunnels.

East Bay Times

Employer taxes, rent caps, and more in big, bold Bay Area housing plan

The 10-point plan would span all nine of the Bay Area's counties



The Ashby BART station, Adeline Street and surrounding neighborhood are seen from this drone view in Berkeley, Calif., on Wednesday, Feb. 7, 2018. (Jane Tyska/Bay Area News Group)

By [Erin Baldassari](#) | ebaldassari@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: December 12, 2018 at 6:30 am | UPDATED: **December 13, 2018** at 6:48 am

SAN FRANCISCO — In a bold new plan to tackle the Bay Area's housing crisis, regional leaders are calling for a cap on rents, protection against arbitrary evictions and new employer and property taxes to generate \$1.5 billion annually to help create new housing, preserve existing housing and pay for other measures.

The proposal is the outcome of around 18 months of work from some of the region's heavyweights when it comes to planning for, approving and building housing: the mayors of the Bay Area's three largest cities, tech giants, transit agencies and advocates, environmentalists, champions of affordable housing, tenants' rights organizations, labor groups and developers alike.

In short, a lot of people who all agree the region needs more housing but often argue about the best ways to get there, said Leslye Corsiglia, the executive director of Silicon Valley at Home, an affordable housing advocacy organization, and co-chair of the working group, called CASA, or

the Committee to House the Bay Area. Convened by the Metropolitan Transportation Commission (MTC), the region's transportation planning agency CASA formed to address the housing crisis in a holistic way, Corsiglia said.

"For all these years, we've been handling the housing crisis city by city and also in lots of different silos and not seeing eye-to-eye on the solutions," she said. "We can see where it's gotten us."

Where it's gotten us is astronomical home prices and precious hours spent on ever-lengthening commutes, said Randy Rentschler, a spokesman for the MTC. Nearly 190,000 workers from outside the nine-county Bay Area commute into Silicon Valley and the Tri-Valley every day, and more than 220,000 East Bay residents cross toll bridges to get to the Peninsula, according to the MTC. And there's increasing recognition, he said, that the twin demons of worsening traffic and ballooning housing costs plaguing the Bay Area are intrinsically linked.

"That made this something we couldn't ignore," he said.

That led to a 10-point, 15-year "emergency policy package" approved by the CASA committee Wednesday. But it's really just the first step. From there, the committee will take its ideas to legislators in the hopes of turning them into law, meaning it could be a full year on the most optimistic time schedule before the first policies are enacted.

The good news is the CASA committee represents a broad spectrum of interests, said Michael Covarrubias of TMG, a development corporation. Developers sat down with anti-gentrification activists. Affordable housing advocates heard from tech companies. Labor unions met with city officials.

Some members of the committee said there weren't enough protections for tenants or that those protections should come before increasing housing production. Others said there wasn't enough money to preserve existing housing. Still others, including San Francisco Mayor London Breed and San Jose Mayor Sam Liccardo, said there wasn't enough emphasis on producing housing at all income levels. Despite that, they still managed to produce a suite of solutions they all could agree on — even if only reluctantly — an outcome that was baked into the process, said Fred Blackwell, the CEO of the philanthropic San Francisco Foundation.

"We are searching for the uncommon common ground," because, he said, "The status quo is quite unacceptable."

But that doesn't mean the plan, which emphasizes the preservation of existing housing, the production of new housing and the protection of tenants vulnerable to displacement, was not without its critics.

Other elected officials who were not on the committee are already rallying against it. The Los Altos City Council unanimously approved a letter rejecting the compact, said Los Altos Mayor Lynette Lee Eng. She, along with another member of the council, blasted the committee for its

“closed door” meetings, lack of attention to transportation infrastructure and its top-down attack on local control.

“This compact as written is not feasible or respectful to local jurisdictions,” Eng said. “It will have the opposite of the desired effect and make housing more expensive by effectively up-zoning significant areas.”

Those sentiments were shared by Novato City Councilmember Pat Eklund, who vowed to fight the plan in the legislature, where it will likely manifest as a series of state bills.

Some of those bills will only impact the Bay Area, and some will cover the entire state, but Corsiglia said the idea is that all of these policies will eventually be implemented together. That includes region-wide just cause for eviction protections, a cap on rents, emergency rental and legal assistance for people facing evictions, the loosening of local control on building heights near transit, reforming the permitting process for new residential buildings, the creation of a regional housing authority with the power to purchase and lease land and, of course, some \$1.5 billion annually in new taxes on employers and the public to help pay for it all.

Some bills have already been proposed this year that incorporate the recommendations from the CASA committee, including a proposal from state Sen. Scott Wiener to [add more housing near transit](#). [SB 18](#), authored by Sen. Nancy Skinner, D-Berkeley, would expand rental and legal assistance to help residents fight evictions and stay in their homes. And [AB 11](#), from Assemblymember David Chiu, D-San Francisco, would allow cities and counties to create agencies similar to the former redevelopment agencies that were dissolved during the Great Recession.

“I look forward to supporting this,” Chiu said. “We’ll soon be having a deeper conversation about how to move forward this vision of a regional strategy.”

A ten-point plan for housing the Bay Area:

1. **Just cause for eviction:** After a tenant has lived in a building for at least 12 months, they would no longer be vulnerable to arbitrary evictions. They could still get evicted if they fail to pay the rent, violate the rental agreement, create a nuisance or engage in illegal activity, if the owner is moving in or removing the building from the rental market, the building is unsafe or for demolition.
2. **Emergency rent cap:** Rent increases would be capped region-wide at the consumer price index plus 5 percent, per year. There are some exceptions for passing along the capital cost of repairs to renters or if the landlord had not raised the rent in prior years.
3. **Emergency rent and legal assistance:** Any tenant facing eviction could have access to a lawyer, unless the landlord or master tenant bringing the eviction action is living in the same unit as the tenant being evicted. And, low-income tenants facing eviction could receive emergency rent assistance, with the total amount of assistance capped at between \$5,000 to \$10,000.

4. **More tiny homes:** Technically, they're called "accessory dwelling units," or ADUs, but the idea is to make it easier for people to build homes of fewer than 500 square feet on their properties.
5. **Taller buildings near transit:** This proposal is similar to a law state Sen. Scott Wiener introduced last year and revived this year. The newest iteration would require cities to approve buildings up to three stories high along high-frequency bus corridors and up to around six stories high near BART, Caltrain or other fixed rail stations.
6. **A better permitting process:** Establishes standards for permitting residential projects that already conform to the city or county's underlying development standards, or zoning codes. It also requires more transparency and consistencies about how fees are set and enforced.
7. **Fast-track certain projects:** Streamlining, streamlining, streamlining. This would create a faster way for projects to get reviewed, as long as they meet a set of criteria, including already complying to underlying zoning, exist in an already-urban area, and setting aside a portion of the units to be affordable to middle-class residents, generally defined as making between 80-110 percent of the area's median income. In exchange, the qualifying projects would be eligible for reduced taxes, reduced parking requirements and a density bonus.
8. **Unlock public lands:** Make it easier for public agencies to develop their land for affordable housing. Create a database listing all publicly owned land in the Bay Area, limit approval process to no more than two years, and deploy 10 percent of available public land to affordable housing on an annual basis.
9. **New taxes to generate \$1.5 billion annually:** Generate new revenue from a broad range of sources, including employer taxes, property taxes, vacant parcel or home taxes, general obligation bonds, sales taxes and more.
10. **New, regional housing authority:** One regional entity that could purchase, lease and sell land, monitor and report progress toward the region's housing goals, provide incentives and offer technical assistance. This entity would not regulate or enforce housing policies, but it would be able to dole out regional money for housing.

San Francisco Chronicle

SF, other cities consider lawsuits to head off water restrictions

[Kurtis Alexander](#)

Dec. 14, 2018 Updated: Dec. 14, 2018 9:07 a.m.

The cities and towns hit this week with stiff demands to reduce water use, including San Francisco, say they'll work with state regulators to meet the charge, but they're also looking at the possibility of lawsuits.

The State Water Resources Control Board approved [a far-reaching plan](#) Wednesday to improve the health of California's rivers and fish by limiting the amount of water that dozens of communities take from four major waterways.

While the plan leaves room for negotiating the extent of the water reductions, the agencies that draw from the San Joaquin River and its tributaries say legal action may be a necessary backstop in case they're forced to cut more than they can afford.

"At the end of the day, we do serve our customers and we have to do what's best for the community," said Samantha Wookey, spokeswoman for the Modesto Irrigation District, one of the state's biggest water suppliers and now subject to restrictions on the Tuolumne River.

San Francisco, which also relies on the Tuolumne River and faces cutbacks, has begun evaluating whether a lawsuit is appropriate, according to the city attorney's office.

Under the state plan, San Francisco residents and businesses could face reductions of 40 percent or more during prolonged dry periods, [according to estimates from the San Francisco Public Utilities Commission](#).

The aim of the state water board is to prevent the collapse of the Sacramento-San Joaquin River Delta. The sprawling estuary, which serves as a hub of state water supplies and is a vital conduit for threatened salmon, has suffered from too little water and too much contamination amid heavy pumping.

While the water board's plan would saddle water users with restrictions to boost flows into the delta, regulators introduced leniency Wednesday in an effort to head off litigation, which would result in years of delay in the plan's implementation. The board stipulated that it will attempt to integrate proposals by water agencies to trade habitat restoration for smaller water reductions.

It appears, though, the board's strategy may not have worked.

Ever since the water board began updating its plan a decade ago, it has had to maneuver a path between water users who don't want limits on their draws and fishermen and environmentalists who want substantial caps.

The conservation community also presents a threat for legal action, with many having committed to suing if the environmental safeguards approved Wednesday are weakened.

The Bay Delta Plan calls for maintaining an average of 40 percent of the natural flow of the San Joaquin River and its tributaries during peak spring runoff. Currently, the flows average 20 percent or less because of diversions. Sometimes the waterways dry up entirely.

The plan could change as the state looks at amendments pitched by water agencies.

For years, the state board has been urging suppliers to come up with their own ideas for fixing California's declining river system. At Wednesday's meeting, more than a dozen water departments, with help from the state Natural Resources Agency, laid out a framework for restoration that included money for habitat improvements and a commitment to less pumping. The board asked the agencies to flesh out their initiative by March.

Officials at the SFPUC, who are working on amendments, say they won't be able to hit the state's 40 percent flow target. But they say they're looking to leave more water in the Tuolumne River and restore salmon habitat in a plan they believe will meet the water board's conservation goal.

"There are other areas we can explore on how we do long-term management," said Michael Carlin, deputy general manager of the SFPUC. "That's where we're going to be spending our time over the next several months: to get something more detailed."

Still, the compromise plan probably would mean significant water cuts for San Francisco households. During a drought, customers may have to reduce water use by 30 percent, Carlin said.

Water rates would probably rise as the city develops new sources to make up for lost supplies.

The agency serves about two dozen other Bay Area cities that would face the likelihood of similar reductions and rate hikes.

The state water board is expected to begin determining the exact restrictions for water agencies once the suppliers submit their alternative ideas. Next, the board will have to enshrine those limits in regulation. The water rights of many suppliers may have to be adjusted, which will require additional proceedings.

Much of the expected legal action will probably revolve around these water rights.

The Trump administration, which is pushing to free up more water for farms, has also threatened to sue over the Bay Delta Plan. On Thursday, Bureau of Reclamation Commissioner Brenda

Burman said her agency is analyzing what impact the state's action might have on federally managed water.

In addition to the San Joaquin River basin, the state has begun a similar process of limiting draws on the Sacramento River and its tributaries.

Peter Drekmeier, policy director for the Tuolumne River Trust and an advocate of higher water flows, said he's pleased with what the state has come up with, at least so far.

"We see this as a big step forward, but it's a long process and we're not going to rest on our laurels," he said. "The lawsuits are going to be a big thing in the next couple months."

There's still a lot that could happen, he said.

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Bay City News Service

Talk Of Potential Annexation Of North Richmond Resumes Tuesday

Published 6:40 pm PST, Saturday, December 15, 2018

RICHMOND (BCN)

The Richmond City Council on Tuesday will continue its discussion about whether seek annexation of the unincorporated North Richmond area into the city.

Approximately 4,000 people live in North Richmond, about a third of them below the poverty line. North Richmond is about 4.3 percent the size of the City of Richmond.

Benefits of annexation, according to Richmond city staff, include more efficient delivery of government services (especially public safety and public works); improved coordination of land use planning, services and infrastructure between North Richmond and the City of Richmond; more localized government for North Richmond residents; and "addressing the historical wrong stemming from racist policies which excluded the unincorporated North Richmond area from becoming part of Richmond during Richmond's years of land expansion."

Negative aspects of prospective annexation, as outlined by Richmond city staff, include higher property, sales and utility user taxes; unknown financial and administrative feasibility of transferring services and records from Contra Costa County to the City of Richmond; possible diminishment of services to residents of the existing city of Richmond as services to the annexed areas would increase; and costs of correcting deferred maintenance to North Richmond infrastructure.

Over the past several months, outreach efforts highlighting the annexation proposal -- survey mailers, community meetings, presentations at meetings of civic groups and local government groups, booths at community events and other outreach -- have been undertaken in both Richmond and North Richmond. Most of the feedback received by city and county officials, a city report says, was anti-annexation. Concerns have included the costs of being part of the City of Richmond, higher taxes and other expenses for people on fixed incomes, and fears of North Richmond becoming more gentrified as part of the City of Richmond.

This annexation, like any other in California, would have to be approved by the county's independent Local Agency Formation Commission (LAFCO), which would host its own hearings on the annexation proposal. The LAFCO process would take months.

Tuesday's meeting will hear a progress report on the annexation process. The meeting begins at 6:30 p.m. at the Community Services Building, 440 Civic Center Plaza.

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Cal Watchdog via PublicCEO

Efforts to Limit Pollution by Building Housing Near Transit Centers Meet Stiff Resistance

Posted by : [PublicCEO](#)
December 18, 2018

By Chris Reed.

Over the past dozen years, the California environmental lobby has never seemed more powerful in the Legislature and in state government. Under Govs. Arnold Schwarzenegger and Jerry Brown, the Golden State has passed [bold laws](#) and emerged as the global leader in government efforts to combat climate change – with Gov.-elect Gavin Newsom certain to continue this tradition.

But a bracing [report](#) from the California Air Resources Board shows that environmentalists' clout can't shake the complete control that NIMBYs have over local planning in most of the state – to the detriment of the environment. It found that a 2008 state law – [Senate Bill 375](#) – had been an abject failure. The law requires the state's 18 regional intergovernmental agencies to push to put new housing near transit stations and to add new transportation options so as to decrease pollution from vehicle commuting.

Not only are three out of four workers still commuting alone to work, carpooling and transit ridership are down. As a result, vehicle greenhouse gas emissions have actually risen in recent years – and the decline from 2007-2011 seems likely to have been a function of the Great Recession, not the state push to reduce emissions associated with climate change.

The air board sees no chance that the SB375 goal of reducing statewide vehicle emissions 10 percent by 2020 will be met.

The report was met with dismay by environmental groups and journalists [concerned](#) with progress against climate change. The most common response to the air board's finding was the call for the Legislature to take more steps to limit the ability of local governments to block projects that met certain criteria – starting with being near transit stations.

69% of Californians want local control of housing

But the appetite of state lawmakers to take on NIMBYs may be limited in the wake of new evidence that NIMBYism isn't just espoused by activists who see every new housing project as detrimental to quality of life. Instead, it's a core belief of state residents. A USC Dornsife/Los

Angeles Times survey released in October showed 69 percent of Californians [preferred](#) local control of housing decision-making.

And the fate of a bill to reduce local control over housing showed that even poor people – those who in theory would be most helped by adding housing stock, which likely would push down sky-high rents – are skeptical.

Senate Bill 827, by Sen. Scott Weiner, D-San Francisco, would have made it much easier to build four- or five-story apartment buildings within a half-mile of transit centers. The prospect of apartment buildings springing up in poor neighborhoods with single-family homes – such as in the Los Angeles County cities of Inglewood and Carson – led to an outraged [reaction](#) from 36 housing and transit “justice groups” led by the Alliance for Community Transit – Los Angeles (ACT-LA). Instead of seeing the bill as leading to cheaper housing, these groups saw it as likely to lead to home renters being ousted in favor of more lucrative apartment buildings, and to new waves of gentrification.

The opposition to Weiner’s bill from activists and from local governments – including every member of the Los Angeles City Council – was so intense that SB827 [died](#) at its first committee hearing in April.

Weiner has since met with ACT-LA leaders and other activists and plans to [reintroduce](#) SB827 next year with provisions that address concerns that poor neighborhoods would be upended by much laxer housing rules. But such provisions could end up leading to trading old rules giving local governments power to limit construction for new rules with similar effects.

[Originally posted at Cal Watchdog.](#)

National Public Radio

For One City Manager, Climate Becomes A Matter Of Conscience

December 19, 2018 5:02 AM ET

Heard on [Morning Edition](#)



[Dan Charles](#)



Steven Falk, former city manager of Lafayette, Calif., outside the city's Bay Area Rapid Transit station.
Dan Charles/NPR

Steven Falk still remembers the moment he first laid eyes on Lafayette, Calif., even though it was 28 years ago. He was driving there to interview for a job as an assistant to the city manager.

"I saw this amazing landscape of emerald-green hills and native oak woodland, with neighborhoods sitting in and among these verdant valleys," he says. "I loved it from the very first minute I got here."

The 25,000 people of [Lafayette](#) live close to nature, yet they can step onto a commuter train and be in downtown San Francisco in half an hour. "It seemed like I had reached some kind of paradise," Falk says.

The median home in Lafayette is worth over a million dollars. The people are educated and environmentally aware. They voted 3-to-1 for Hillary Clinton in 2016.

For the past 22 years, Falk has been their city manager, more or less the CEO of local government, responsible for everything from police to potholes.

Then, in 2005, he read Elizabeth Kolbert's [three-part series](#) of articles in *The New Yorker* about global warming. "They scared the daylights out of me," he says.

He started noticing evidence of climate change himself. For instance, he remembers sliding down glaciers in the Sierra Nevada mountains as a 9-year-old kid, backpacking with his dad. "When I became a parent, I took my own kids to the mountains, and we did the same trip. And the glaciers are gone!" he says.

The more he learned, the more it kept him up at night. "The analogy I've used is, the house is on fire, and our children and grandchildren are trapped in the attic. So what are we going to do about it?" he says.

As a city manager, there are, in fact, some things you can do. But they may be controversial. Falk ended up in the middle of a battle over what gets built on some land right near the heart of his city.

Falk takes me to a big parking lot covering about 5 acres right beside the Bay Area Rapid Transit station. This is where commuters take the trains to Oakland and San Francisco. This area is also close to shopping. One way to fight global warming: Build lots of housing right here, where people can live without driving cars and burning gasoline. Plus, multistory apartment buildings or condos generally take a lot less energy to heat and cool than single-family suburban homes.

"It just makes all the sense in the world that this parcel should have a multifamily housing development on it," Falk says.

But development is a really sensitive topic in Lafayette. There's a whole citizens group called [Save Lafayette](#) that's been fighting against plans for more high-density housing. As Lafayette resident Martin Stryker told the city council at a meeting in June: "People have chosen to live in Lafayette for the quality of life, *away* from the city. ... I encourage city leaders and staff to sharpen your vision and to be stronger in protecting the interests of our citizens despite the pressures from the state and outside interests like developers."

The city has actually approved hundreds of new housing units in the central downtown area in recent years. Falk is proud of that. But he wanted to move faster.

Tensions came to a head this past summer over a new California law that lets BART go ahead and build housing on land that it owns near its stations, like that parking lot.

Falk liked the idea. Lafayette's city council members, though, considered it a power grab by the state. They asked Falk to go to the state Capitol and take a public stand against it.

"I drove to Sacramento, not feeling good about it," Falk recalls. "I went into the Senate hearing room. I saw this line of speakers, and realized that I had to get up and speak against the bill. And that ..."

Falk's voice breaks. After a long pause, he goes on: "And that was the moment I knew I had to resign."

In his resignation [letter](#) to the city council, Falk wrote that "it has become increasingly difficult for me to support, advocate for, or implement policies that would thwart transit density. My conscience won't allow it."

The city made the letter public. Don Tatzin, who served on the Lafayette city council for 33 years and just stepped down as the city's mayor, expressed some sympathy for Falk's views. "I think it's good to hear voices that say cities need to become denser. Over time, that becomes accepted," he says.



Outgoing Mayor Don Tatzin (left) thanks Steven Falk for 22 years as city manager of Lafayette, at Falk's final meeting of the city council.

Jeff Heyman/City of Lafayette

But local communities, he says, need to be in control of that process. "Having a regional or state government impose that, on something that citizens consider of importance, runs the risk of significant backlash, and I'm not sure it's wise."

Tuesday was Steven Falk's last day on the job. At his final city council meeting, Tatzin and others gave speeches celebrating his accomplishments. No one mentioned climate change.

Plumas County News

Health care districts pursue reorganization

December 23, 2018

Debra Moore, Managing Editor

And four shall become two. Four local health care districts have been working to consolidate their efforts — Eastern Plumas with Sierra Valley and Plumas District with Indian Valley.

Working through the LAFCo process, the Local Agency Formation Commission, it is called a reorganization rather than a consolidation, which would require a more complex set of steps. In each case, one district is dissolving and the other is annexing its territory. Sierra Valley will dissolve and be annexed by Eastern Plumas; and Indian Valley will dissolve and be annexed by Plumas District.

Eastern Plumas is already providing medical care in the Sierra Valley, and Plumas District is running the medical clinic in Indian Valley.

If all goes as expected, the Eastern Plumas/Sierra Valley process will be completed in mid January, while Plumas District/Indian Valley should be completed mid 2019.

Jennifer Stephenson, the executive director of Plumas LAFCo, said that the requested reorganizations meet LAFCo's stated goals of promoting efficiency of services and promoting logical boundaries.

Eastern Plumas/Sierra Valley

Representatives from both districts appeared before the LAFCo board Dec. 10 for a required public hearing. After a brief discussion with no opposition voiced, the board unanimously approved three resolutions to continue the process: adopted a sphere of influence amendment for Eastern Plumas; approved annexation of territory within the Sierra Valley Hospital District by Eastern Plumas and approved the dissolution of Sierra Valley Hospital District.

The next step is a protest hearing scheduled for 1 p.m. on Friday, Jan. 4, at the Sierraville School at 305 S. Lincoln St. in Sierraville. The hearing will end at 1:15 p.m.

Protests must be in writing and signed by landowners or registered voters within the area boundaries. LAFCo will order the reorganization unless it receives a petition signed by 25 percent of the voters or 25 percent of the landowners who own at least 25 percent of the land.

Stephenson described this as more of a formality since there have been no protests to date, but it does provide one last opportunity to speak out against the reorganization.

Plumas District/Indian Valley

Based on the current timeline, the LAFCo public hearing for this reorganization will most likely occur in April, according to Stephenson. LAFCo meets every two months and there isn't enough time to complete the necessary legal notifications before the next regular meeting, which would be in February.

The boards of directors of both the Plumas and Indian Valley districts passed resolutions in November authorizing the two districts to unite. The application for reorganization was filed at the Dec. 10 LAFCo meeting.

Plumas would annex the roughly 494 square miles in Indian Valley currently served by that district, and the latter would dissolve.

The resolution reads: "The reorganization would allow the reorganized District to better meet the needs of its historically-related communities by providing a full complement of Health Care services to the entire reorganized territory."

It states that the reorganized district will continue providing the services that it currently does in Indian Valley. The consolidation will not affect the emergency medical services (ambulance service) that are in place.

The property tax collected in the consolidated district will go to the newly reorganized Plumas Hospital District.

Sierra

Urban Tilth's Doria Robinson on Richmond and Climate Adaptation

The Ag nonprofit is small scale, but its executive director has big ideas

Photos by Wendy Beckett

By [Wendy Beckett](#) | Dec 24 2018

Editor's note: This interview has been edited for length and clarity.



I am a third-generation Richmond resident. Growing up here in the 70s and 80s was really intense. There were drugs, gangs, drive-by shootings—just a lot of violence, a lot of compacted trauma on top of being poor. It makes a huge impact on you if all the kids you grew up with on your block are dead. That's what happened to me. My second year in high school, there was a shooting during lunch. I walked off campus and didn't come back. Eventually, I ended up at a school in Berkeley. I had always been a good student, but now I was getting Ds and Fs—not because I didn't try, but because what I got in Richmond was not real education. When I saw my first report card, I remember just being mad. I started looking at Richmond in a different context, and thinking to myself, "What is going on there?"

I went to college in Massachusetts, where I worked on the school farm. I had always had an interest. My grandfather was a minister who came up from the South with 17 other families. They pooled their money and helped each other buy houses, and they bought property and built a church. Then they bought 300 acres of ranch in Fairfield. They weren't rich people at all. In fact, they were extremely poor. It was always this big lesson for me that a lot of people together, even if they are poor, can do a lot. You actually do have resources if you can trust each other enough and create some good rules for acting collectively.

After I graduated, I didn't want to go back to Richmond. I moved to San Francisco and did the dot-com thing for a while. Then I was like, "What am I doing? People in San Francisco don't

need me here.” I got a job in Richmond with the Watershed Project doing community-driven restoration projects around the creeks here and in Oakland. One day, I got an email from Park Guthrie, the founder of Urban Tilth. The old railroad tracks had recently been converted into the Richmond Greenway Trail. It was 23 blocks long and on the sides, there were these big swaths of land that the city didn't have money to do anything with. Park said, “There could be gardens on either side. It could be a place where people gather instead of a place where people fight.” I wrote back and said I wanted to help. That was around 2004. A group of us organized second-Saturday volunteer days to build gardens on the Greenway. We also helped create an adopt-a-spot program because the city didn't have a way for people to help maintain public land.

Not long after that, Guthrie invited me to be co-director of Urban Tilth. I took over fully around 2007. At that point we had one part-time staff person. Now we have 32 staff members. We have seven major program areas, two youth develop and training programs, and seven gardens and small farms. Through our Community Supported Agriculture program, we are growing and distributing a considerable amount of locally grown food. Right now, we serve 150 families. We always have a waiting list.

The North Richmond Farm is three acres. It's our newest site. We went through a long process to get this land transferred from the flood control district to the county. We had to change the general plan of North Richmond to allow for urban agriculture, which took a year and after that, we went through another yearlong process to get a lease. Then we worked with the county to find the funding to put in general infrastructure—we had no water, no power. It was just a vacant lot. For almost the past two years, we've been clearing, cleaning, and planting to grow soil, because the soil here was just destroyed. It was crushed rock, with no nutrients, which is such a metaphor for Richmond in general. You have all of these things that have just been completely undernourished—people, places—and we're one of the forces that are trying to bring life back, putting nutrients back into the soil, putting people back on the land and in the process hopefully waking people up.

The Chevron refinery has always been a part of life here. When an incident happens, there's this built-up anger, but also this feeling of “what can you do?” I remember once when I was little, the sirens went off. We woke up and the sky was red. There had been an explosion at the refinery. My mom came in and told me to close the window. The air was putrid, and our eyes were burning. The paint on our car got eaten off, so later, my mom went down to file a claim. She got like \$500 dollars to repaint the car. When she finally got the check, I remember her putting it down and saying, “I wonder what this did to our lungs. How are they going to pay us for that?”

The most recent refinery fire in 2012 was a big turning point for Urban Tilth. We were finishing up the sixth year of our summer apprentice program. We had 40 youths working at six different sites. Everybody's with each other for long periods of time—kids that don't normally hang out with each other, Latinos and blacks—and they really get to know each other. It's an intense experience. We were a few days away from graduation and the fire happened. This black cloud of obviously toxic crap just moved over all the gardens leaving a gooey film on everything. The kids were pissed. Everybody came together in this big council, and we decided that we had to rip all of the food out. We didn't feel good about feeding it to anybody. The kids brought a portion of it to the Chevron community meeting at City Hall and dumped it on the stage.

It woke us up as an organization, and showed us that when you reconnect people with land, people start to realize that it does matter what's in the air, it does matter what's in the water, especially if you're feeding it to others and putting it in your mouth. The kids were asking questions like, "Why does Chevron have the right to do this? Why is there no accountability? How did this happen?" And so we started to teach more about environmental law and environmental justice. And that led to climate change.



Robinson at the North Richmond Farm

We're at a place now where folks are not only wanting to do better for themselves—try to eat better and have access to healthy things and share that with their neighbors and their families—but they're also wondering about the future. What is it going to be like in 10 years? What are our kids going to be experiencing? Climate change is a huge threat to low-income people. If somebody loses their mansion to a fire in Malibu, it's terrible, but they can recover. If you are a low-income elder living in Paradise and you lose your home to fire, you're homeless. Climate change won't just be about burning up in a fire or breathing in smoke, but about the aftermath of trying to relocate people.

Agriculture is a huge contributor to carbon emissions—all the petrochemicals that are used in preparing the fields, and for running all the tractors and machines—so food is a place we need to be working now. We need regionally local food systems, not just because of the need to reduce the climate costs of transportation, but also for resiliency. If something goes wrong, people need to be able to get food, and it can't come from some long chain that is dependent upon systems that may break. So we're asking ourselves, "How do you shorten these chains?" and we're working to create more direct relationships to producers in our area.

The two most direct impacts of climate change here in Richmond will be sea level rise, because we're so close to the marsh, and we have really high water table, and hotspots—areas of exaggerated heat from blacktops and not enough greenery. There are two kinds of climate adaptation—one that is just physical and it gets done however it gets done. You hire a company to raise the levies. Then there's climate adaptation that takes into account that if you raise the levies and make this place really attractive to people to live in, you're going to drive up prices and make it unaffordable for some people. Those people will be pushed into the places where no

one is thinking about climate adaptation right now because they don't have that political leaning. If you don't match the climate adaptation efforts with social justice and economic justice efforts, there'll be new low-income communities in the places that were not prepared.

If we really want people to be able to be resilient, we have to help them improve. Urban Tilth has a training program for youth from North Richmond—young people who are not necessarily on a college track—to learn how to do watershed restoration work and green infrastructure maintenance and installation. If we're going to do green infrastructure as a way to disrupt heat islands, then let's make sure that that's a well-paid job, so people can keep their heads above this storm. Equity and social and economic justice need to be baked into every initiative or else we'll be exacerbating old problems and creating really big new problems. There will be a few people who are safe, and then a lot more people who are not. I don't even want to think about the social unrest that could come from that kind of situation.

We also need some radical thinking around things like building code laws. We know drought is going to be an issue. We've known that for a very long time. Why isn't it in California Building Code to do water catchment and gray water systems? That's a potential job to install that stuff—retrofitting houses and building it on new houses. It becomes a new area of expertise. Plumbers probably weren't a big thing until indoor plumbing came along.

I am not convinced that even under climate change, there will be a lack of actual food, but there will be even more unequal distribution of and access to food. So get the control of food out of the hands of the few. If a handful of corporations are controlling the supply, it becomes very advantageous for them to have prices go up, or to act like there isn't enough. We need to decentralize food production so people can get can be fed, and be creative, do what human beings do, which is evolve and innovate with the situation. The more people who can say, "I'm really interested in innovating on this type of peach, cabbage, potato," the better. That means more people on the land, more farmers, more folks watching to see where there'll be openings to do new things.

People constantly point at community-based solutions to climate change and say they will never work, they'll never scale. I keep saying, "Well, yeah, if you give us two dollars we're not going to be able to scale up to feed the world." Don't tell us that the idea that we have won't work until you actually resource it. Don't say it will fail because we haven't actually tried it yet.

Opinion: Urban sprawl is the real problem

Until elected officials stand up to land speculators, climate change will worsen

By [Mark Dempsey](#)

This article was published on [12.27.18](#).

At the Global Climate Action Summit in San Francisco in September, California's political leaders reaffirmed their commitment to clean energy and Gov. Jerry Brown announced the state would achieve carbon neutrality by 2045.

But they neglected to focus on walking or biking. Developing more compact, pedestrian-friendly communities can reduce carbon emissions, and also free people from having to own a car.

Local officials continuing to support sprawl and land speculation is not a hopeful sign, either. Sprawl encourages longer commutes, and requires more highways and other infrastructure, which costs twice as much to develop in outlying developments than in compact infill projects.

Though the Sacramento region has 20 years worth of unbuilt infill land, local agencies are moving to make even more outlying land available for "greenfield" development. In February, the Sacramento Local Agency Formation Commission voted 4-3 to expand Elk Grove's urban boundary by more than 1,000 acres, despite plenty of vacant land within the city's current boundary. (Environmental groups have sued to stop the expansion.)

Barbara Leary, a candidate this year for Folsom City Council, said local planning is so dysfunctional that even if Folsom abandoned its expansion south of U.S. 50, land speculators would be able to get Elk Grove, Rancho Cordova or the county to annex the land and get their developments approved that way.

Speculators can purchase (or more likely option) outlying agricultural land for a few thousand dollars an acre, then sell it to builders for hundreds of thousands of dollars once the land is approved for development. The Internal Revenue Service doesn't even tax these outrageous profits if the speculators put the money into income-producing property such as malls and apartments.

In Germany, however, developers must sell outlying land to local governments at its agricultural land value, then buy it back at the development land price. All that profit benefits the public rather than a small plutocracy of speculators. And Germany has nice infrastructure, a solar program that's ahead of schedule and free tuition even for foreign students at its universities.

Sacramento apparently can't handle homelessness, but our political class can produce a subsidy for land speculators at the drop of a hat. Land use is the nexus of local political malfeasance. In a betrayal of public interest, Sacramento County supervisors Susan Peters and Sue Frost voted for the Elk Grove expansion as LAFCo commissioners.

More of these sprawl-producing developments are cued up for possible approval. The climate effects of sprawl are roughly double the pedestrian-friendly, mixed-use alternative.

Believe it or not, the real estate market actually pays premiums for pedestrian-friendly neighborhoods. But as long as we give speculators the money that might go into civic improvements, we get nearer to the precipice of climate disaster.

Mark Dempsey of Orangevale is a retired technical writer and real estate agent who served on a Sacramento County planning advisory council.