

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 9, 2020
Agenda Item 7

December 9, 2020 (Agenda)

LAFCO 10-09 Sphere of Influence (SOI) Amendment – Town of Discovery Bay Community Services District (TDBCSD) – Newport Pointe

APPLICANT Brenna Daugherty - Landowner

ACREAGE & LOCATION The applicant proposes to expand the TDBCSD by 21.64± acres, which includes two parcels (APNs 011-220-013 and -014). The subject area is bounded by Bixler Road, Newport Drive, and Newport Cove, and is within the Contra Costa County Urban Limit Line (ULL) - see attached map (Exhibit A). The applicant has also submitted a corresponding proposal to annex these properties to the TDBCSD.

PURPOSE The purpose of the proposal is to allow for the extension of municipal services, including wastewater and water services, to facilitate development of 67 single-family homes. The development project also includes dedicated open space/habitat conservation areas.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with responsibility for developing and determining the SOI of each local agency within the County, and for enacting policies designed to promote the logical and orderly development of areas within the SOI.

An SOI is defined as *a plan for the probable physical boundary and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon).

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

- 1. The present and planned uses in the area, including agricultural and open space lands*** – The project site is currently vacant. The County General Plan designations for the site include Open Space, Parks & Recreation, Single Family Residential – Medium, and Single Family Residential – High. The County zoning designation for the subject parcels is Planned Unit (P-1). The project site was previously zoned for agricultural uses. In 2013, the County approved General Plan and zoning designations for the project site. The subject area is located within the voter approved Urban Limit Line.
- 2. The present and probable need for public facilities and services in the area*** – Development of the subject area will require public facilities and municipal services, including water and wastewater services, to enable development of the property. The County, in its environmental assessment, reviewed the provision of municipal services to the area, including water and wastewater services to be provided by TDBCSD.
- 3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – The TDBCSD provides municipal services including wastewater and water services and currently serves an estimated population of approximately 15,000 residents. Regarding **wastewater**, the District's wastewater collection system consists of 50 miles of sewer mains, 15 lift stations, and two wastewater treatment plants; both plants are operational with one plant as a back-up. Maximum flow of both plants combined is 2.35 million gallons per day (mgd). Current demand is 1.4 mgd. The primary disposal method is secondary treatment, UV disinfection and discharge into Old River.

The sewer connections are gravity flow to a single pump station. The new development will include a new pump station to flow into the existing system, thus increasing the system to 16 pump stations.

Based on the proposed development of 67 single-family residential units the estimated demand for sewer service is approximately 230 gallons of wastewater per day (gpd) per house totaling 15,410 gpd. TDBCSD has infrastructure in the area and serves surrounding properties.

Regarding **water service**, TDBCSD provides potable water services within its service area. Water infrastructure includes two water treatment plants (WTPs) that feed into one distribution system, four water storage tanks, booster pumps, and 46 miles of mainland pipe. Storage capacity at the Willow Lake WTP is 1.5 MG and storage capacity at the Newport WTP is 1.0 MG. The primary source of water is through six groundwater supply wells, with mobile generators for backup power as needed. Discovery Bay groundwater is in the newly designated East Contra Costa Sub-basin (formerly called the Tracy Sub-basin).

Based on the proposed development of 67 single-family residential units, the estimated demand for service is approximately 1,196 gpd per house totaling 80,132 gpd. This water demand was accounted for in TDBCSD's 2015 Urban Water Management Plan (UWMP). The District anticipates completion of its 2020 UWMP by June 2021.

The project will include a water system of networks consisting of water mains, service laterals, and fire hydrants that will be constructed to the District's standards and sized to meet the domestic and fire safety demands of the Newport Pointe development project.

TDBCSD staff indicates they have the capacity to provide wastewater and water services to the project. Costs associated with wastewater and water infrastructure, including capital improvements, operation, and ongoing maintenance will be funded by the developer, homeowner's association, and TDBCSD.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The 21.64± acre subject area is located in the Discovery Bay West area of unincorporated Contra Costa County. Access to the project area is from the east side of Newport Drive. The project site is bordered on the north by high density residential development, open field, and RV storage; to the east by medium residential development; to the south by an open field; and to the west by agricultural parcels with single family homes. The development plan includes 67 single-family homes and open space areas. The subject area will benefit from services provided by TDBCSD.
5. ***Nature, location, extent, functions & classes of services to be provided*** – TDBCSD encompasses nine square miles in eastern unincorporated Contra Costa County. TDBCSD provides water; wastewater collection, treatment, and disposal; levee maintenance; parks and recreation, lighting, and landscaping, and maintenance services in the unincorporated community of Discovery Bay.

Environmental Impact of the Proposal – In 2013, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (IS/MND) in conjunction with the Newport Pointe project. The environmental factors potentially affected by this project include Air Quality, Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Noise, and Utilities/Services Systems. The County's MND notes that although the project could have a significant effect on the environment, there will be no significant effects because revisions in the project have been made by or agreed to by the project proponent.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Adopt the attached resolution (Attachment 1) approving the proposed expansion to the SOI of TDBCSD adding 21.64± acres to the SOIs as depicted on the attached map (Exhibit A).

- A. Find that, as a Responsible Agency under the California Environmental Quality Act (CEQA), LAFCO has reviewed and considered information contained in Contra Costa County’s Initial Study/Mitigated Negative Declaration in conjunction with the *Newport Pointe Residential Development Project*, and finds that there are no direct or indirect environmental effects that would result from LAFCO’s approval of the SOI amendment; and therefore, no additional mitigation measures are required beyond those already included in the CEQA documents prepared by Contra Costa County.
- B. Adopt this report and amend the SOI of TDBCSD as described herein and shown on the attached map subject to the following:
 - 1. The applicant has delivered an executed indemnification agreement providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the SOI amendment.

Option 2 Adopt this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDATION **Option 1 – approve the SOI amendment as proposed.**

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

Exhibits

A. Map – Proposed TDBCSD SOI Amendment

Attachments

1. Draft LAFCO Resolution – TDBCSD SOI Amendment

c: Brenna Daugherty, Landowner Representative, Newport Pointe, LLC
Mike Serpa, Concentric Development Group
Michael Davies, General Manager, TDBCSD

SPHERE OF INFLUENCE RESOLUTION NO. 10-09

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
OF TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (NEWPORT POINTE)

WHEREAS, a proposal to expand the sphere of influence (SOI) of the Town of Discovery Bay Community Services District (TDBCSD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

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

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

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

1. The matter before the Commission is the proposed expansion of TDBCSD's SOI to include 21.64± acres, including Assessor Parcel Numbers 011-220-013 and -014, located at the cross streets of Bixler Road and Newport Drive in unincorporated Discovery Bay.
2. As a Responsible Agency under the California Environmental Quality Act (CEQA), the Commission considered information contained in Contra Costa County's Mitigated Negative Declaration/Initial Study for the Newport Pointe Residential Project approved on February 26, 2013.
3. The SOI of TDBCSD is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. In conjunction with the SOI expansion, the Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands – The project site is currently vacant. The County General Plan designations for the site include Open Space, Parks & Recreation, Single Family Residential – Medium, and Single Family Residential – High. The County zoning designation for the subject parcels is Planned Unit (P-1). The project site was previously zoned for agricultural uses. In 2013, the County approved General Plan and zoning designations for the project site. The subject area is located within the voter approved Urban Limit Line.

The present and probable need for public facilities and services in the area – Development of the subject area will require public facilities and municipal services, including water and wastewater services, to enable development of the property. The County, in its environmental review, reviewed the provision of municipal services to the area, including water and wastewater services to be provided by TDBCSD.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – The TDBCSD provides municipal services including wastewater and water services, and currently serves an estimated population of approximately 15,000. Based on the proposed development of 67 single-family residential units and the estimated demand for municipal services,

including wastewater and water services, TDBCSD indicates it has the capacity to provide services to the project.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency – The 21.64± acre subject area is located in the Discovery Bay West area of unincorporated Contra Costa County. The project site is bordered on the north by high density residential development, open field, and RV storage; to the east by medium residential development; to the south by an open field; and to the west by agricultural parcels with single family homes. The development plan includes 67 single-family homes and open space areas. The subject area will benefit from services provided by TDBCSD.

Nature, location, extent, functions & classes of services to be provided – TDBCSD encompasses nine square miles in eastern unincorporated Contra Costa County. TDBCSD provides water; wastewater collection, treatment, and disposal; levee maintenance; parks and recreation, lighting, and landscaping, maintenance services in the unincorporated community of Discovery Bay.

* * * * *

PASSED AND ADOPTED THIS 9th day of December 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CANDACE ANDERSEN, 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: December 9, 2020

Lou Ann Teixeira, Executive Officer

LAFCO 10-09 Town of Discovery Bay Community Services District (TODB CSD) Sphere of Influence Amendment (Newport Pointe)

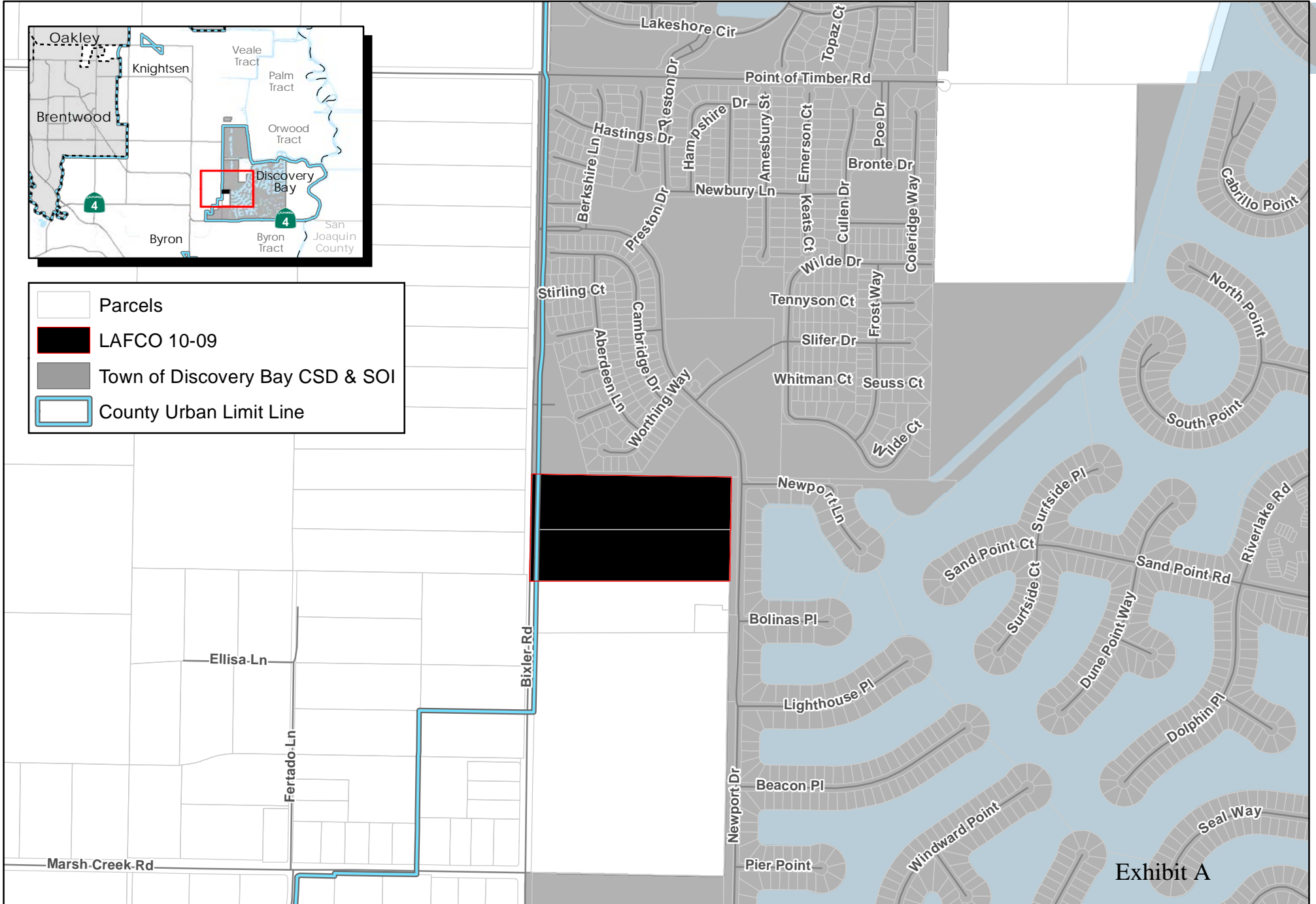


Exhibit A

