

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 8, 2022 (Agenda)

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Agenda Item 10

LAFCO 21-14 Annexations to Contra Costa Water District (CCWD) and Delta Diablo (DD) – Evora Road Self Storage

APPLICANT Kelly Gallacher, Landowner

SYNOPSIS This is an application to annex three parcels (APNs 098-220-015/-018/-019) totaling 7.75± acres to CCWD and DD located on Evora Road in unincorporated Bay Point as shown on the attached map (Exhibit A). The subject parcels are currently vacant land.

The purpose of the proposal is to allow for the extension of water and wastewater services to the subject parcels. Proposed development includes construction of a new self-storage facility with seven buildings consisting of one-, two-, and three-story buildings, and 80,539 square feet of floor area in accordance with the project approved by Contra Costa County.

The subject area is within CCWD's sphere of influence (SOI). On April 13, 2022, the Commission approved the expansion of DD's SOI to include the subject area.

DISCUSSION

Government Code (GC) §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence (SOI) of Any Local Agency:

The area proposed for annexation is within the SOIs of CCWD and DD.

2. Land Use, Planning and Zoning - Present and Future:

The subject parcels are located within the voter approved Urban Limit Line. The project area is surrounded to the east and south by highway/roadway, to the west by open space, and to the north by residential development. The County's General Plan designations are Light Industrial and Open Space, and the Zoning designations are Light Industrial (LI) and General Agricultural (A-2).

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands and Open Space Lands:

A portion of APN 098-220-019 is designated A-2 "General Agriculture" (Parcel 5 acre minimum). The County's environmental review indicates that *construction of the self-storage facility is fully contained within the remaining 4.59± acre portion of the property within a LI zoning district. The project proponent offered an eight-foot-wide portion of the project site for potential use by a third-party for a future public trail path connecting Evora Road to the Via Delta de Anza Regional Trail. The subject property is not under a Williamson Act contract. Thus, the project would not conflict with existing zoning for agricultural use.* Further, the subject parcels do not meet the LAFCO criteria relating to "Agricultural lands" (GC §56016) and "Prime agricultural land" (GC §56064). There will be no impacts to open space pursuant to an open space easement as conditioned by the County.

4. Topography, Natural Features and Drainage Basins:

The subject parcels are located on a hilly terrain with a natural downward slope from west to east. The property is covered with low-lying grass and shrubs devoid of trees. The surrounding areas include residential to the north, State highway to the south, and hilly gentle terrain to the east and west.

5. Population and Fair Share of Regional Housing:

Proposed use of the subject property is construction of self-storage facilities. There is no population increase associated with the proposed development, and no housing is included in the project.

6. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (GC §56653). A plan for services is included with the application. The plan shall include all the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The annexation area is currently served by various local agencies including, but not limited to, Contra Costa County and Contra Costa County Fire Protection District.

The subject parcels are located adjacent to Delta Diablo's service area. DD provides wastewater conveyance and treatment services serving over 215,000 residents in Antioch, Pittsburg, and Bay Point within 54± square miles. DD treats 13 million gallons of wastewater daily focusing on exemplary regulatory compliance, innovative, and sustainable approaches.

DD owns, operates, and maintains five pump stations, one diversion facility, 76± miles of force mains, gravity interceptors, and sewer mains that convey wastewater flows from Antioch, Pittsburg, and Bay Point to DD's wastewater treatment plant. DD also owns, operates, and maintains a recycled water facility along with the associated 16 miles of pipeline, which provide recycled water service to customers in Antioch and Pittsburg.

Regarding the Evora Storage Facility Project, DD staff understands that the project will have a low wastewater demand (two offices, one bathroom). DD anticipates wastewater demand will be approximately 200 gallons per day and will not have an adverse effect on DD's capacity.

Annexation to DD is needed to allow the project site to connect to the existing sewer lines located within St. Raphael Drive. The applicant proposes extending a sanitary sewer line from the subject property to the existing sewer line at the St. Raphael Drive right-of-way which is 214± linear feet north of the project site. DD provided a letter indicating that they will provide sanitary sewer services to the annexation area subject to specified conditions.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities, and improvements.

Regarding **water service**, retail water will be provided by the Golden State Water Company. Contra Costa Water District will provide wholesale water to the subject area subject to conditions. CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD provides treated water service to approximately 250,000 residents and untreated water service that supports approximately 250,000 residents for a total population of approximately 500,000 (61,858 treated and 346 untreated water connections). The primary sources of water are the United States Bureau of Reclamation (USBR) Central Valley Project (CVP) and delta diversions. One of CCWD's prerequisites for service, including future annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process and requires specific environmental documents. Subsequent to LAFCO's annexations, CCWD will proceed with the CVP inclusion review.

Water system and infrastructure to serve the development project includes minimal new pipeline infrastructure to serve the project. Domestic water usage for the facility will be relatively small at the site as there are limited water fixtures. Given the size of the facility and area, CCWD staff anticipates water usage would not exceed three-acre feet per year assuming the area around facility is irrigated for landscaping. The water demand for the subject project is accounted for in CCWD 2020 Urban Water Management Plan.

CCWD provided a letter indicating that they have capacity to provide wholesale water to the serve annexation area subject to specified conditions. The CCWD letter also noted that the project will need a separate domestic meter, may also require a separate irrigation service (if the landscape area requiring irrigation is greater than 200 square feet), and may need fire hydrants.

Costs associated with wastewater and water infrastructure, including capital improvements, operation, and ongoing maintenance will be funded by the developer.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 79004. The assessed value for the annexation area is \$425,000 (2021-22 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In 2021, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (MND) in conjunction with the Evora Road Self-Storage Facility Project. The environmental factors potentially affected by this project include Aesthetics, Biological Resources, Geology/Soils, Noise, Cultural Resources, and Air Quality. 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 or agreed to by the project proponent

11. Landowner Consent and Consent by Annexing Agency:

The landowner is the applicant and consents to the proposed annexation.

12. Boundaries and Lines of Assessment:

The annexation area is within CCWD's SOI and is now within DD's SOI as approved by the Commission on April 13, 2022. A map and legal description to implement the proposed annexation were received and are subject to final approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, “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 proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. Disadvantaged Communities:

In accordance with State legislation, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the annexation area is not within a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

Pursuant to LAFCO law, all registered voters and landowners within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent written notice of the LAFCO hearing. County Elections confirmed there are zero registered voters in the subject area; therefore, the subject area is considered uninhabited. The affected landowner consents to the annexation.

To date, LAFCO received one phone call from a surrounding landowner/voter expressing concerns with the development project but not the annexation; therefore, the protest hearing is hereby waived pursuant to GC §56663.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to GC §65080 [GC §56668(g)]. Further, the Commission may 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 sub regional basis (GC §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California’s regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in July 2013, adopted Plan Bay Area as the “Regional Transportation Plan and Sustainable Communities Strategy” for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan’s key goals are to reduce GHG emissions by specified amounts; and plan sufficient housing for the region’s projected population over the next 25 years.

In October 2021, ABAG and MTC adopted *Plan Bay Area 2050*, which serves as the Bay Area's official long-range plan for housing, economic development, transportation, and environmental resilience for the next four years. While prior iterations of *Plan Bay Area* focused on transportation and housing, the 2050 plan expands the scope introducing strategies for long-term economic development and environmental resilience, while meeting federal and state requirements.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Adopt this report and approve LAFCO Resolution No. 21-14 (Attachment 1), making CEQA findings and approving the proposal, to be known as *Annexations to Contra Costa Water District and Delta Diablo – Evora Road Self-Storage Project*.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION: Approve Option 1

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

Exhibit

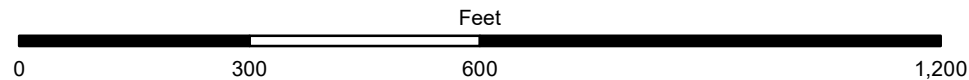
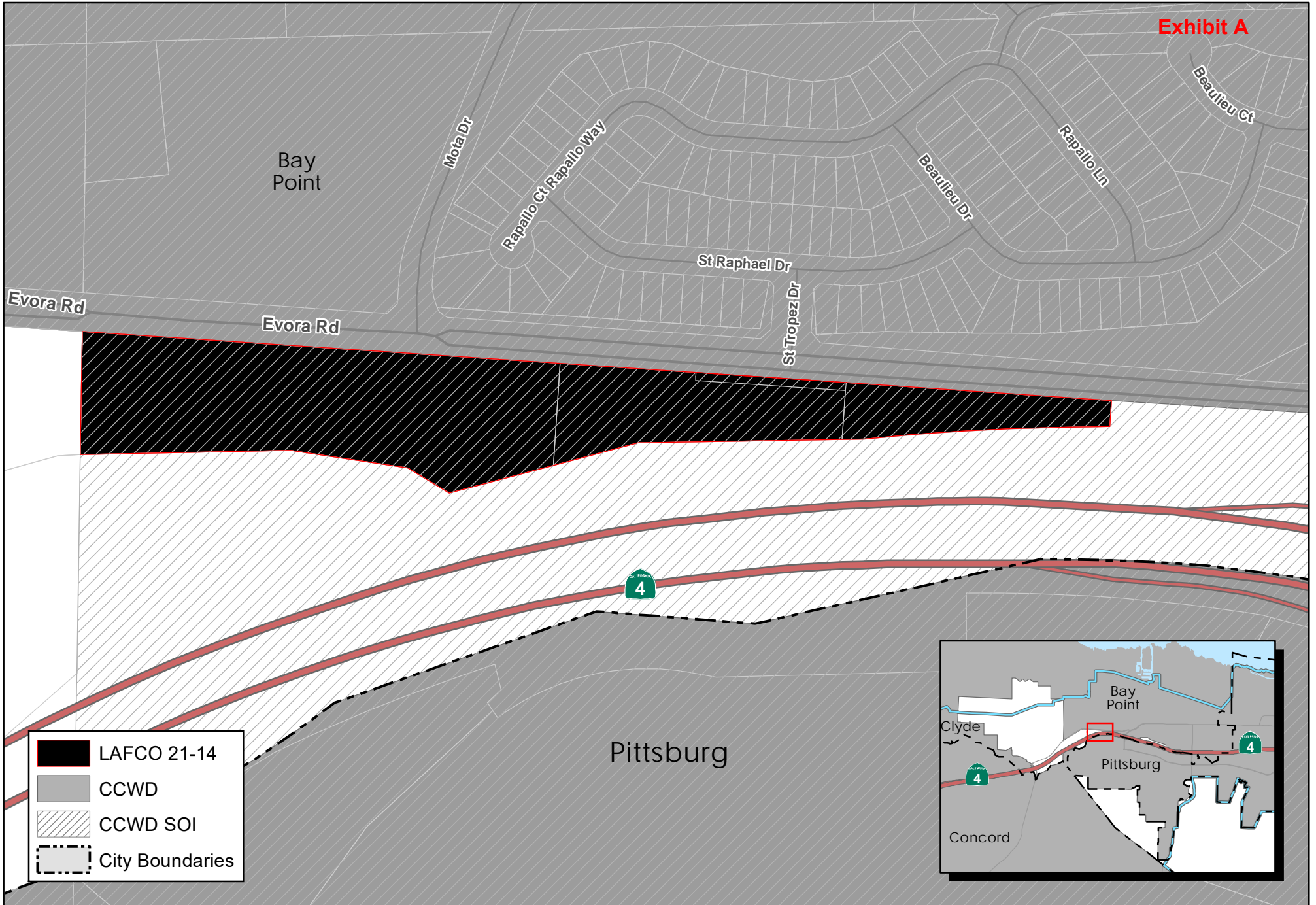
- A. 21-14 Annexation to Contra Costa Water District – Evora Road Self Storage
- B. 21-14 Annexation to Delta Diablo – Evora Road Self Storage

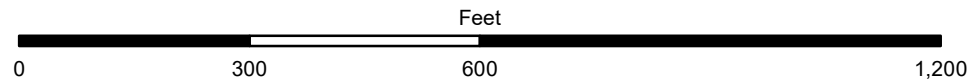
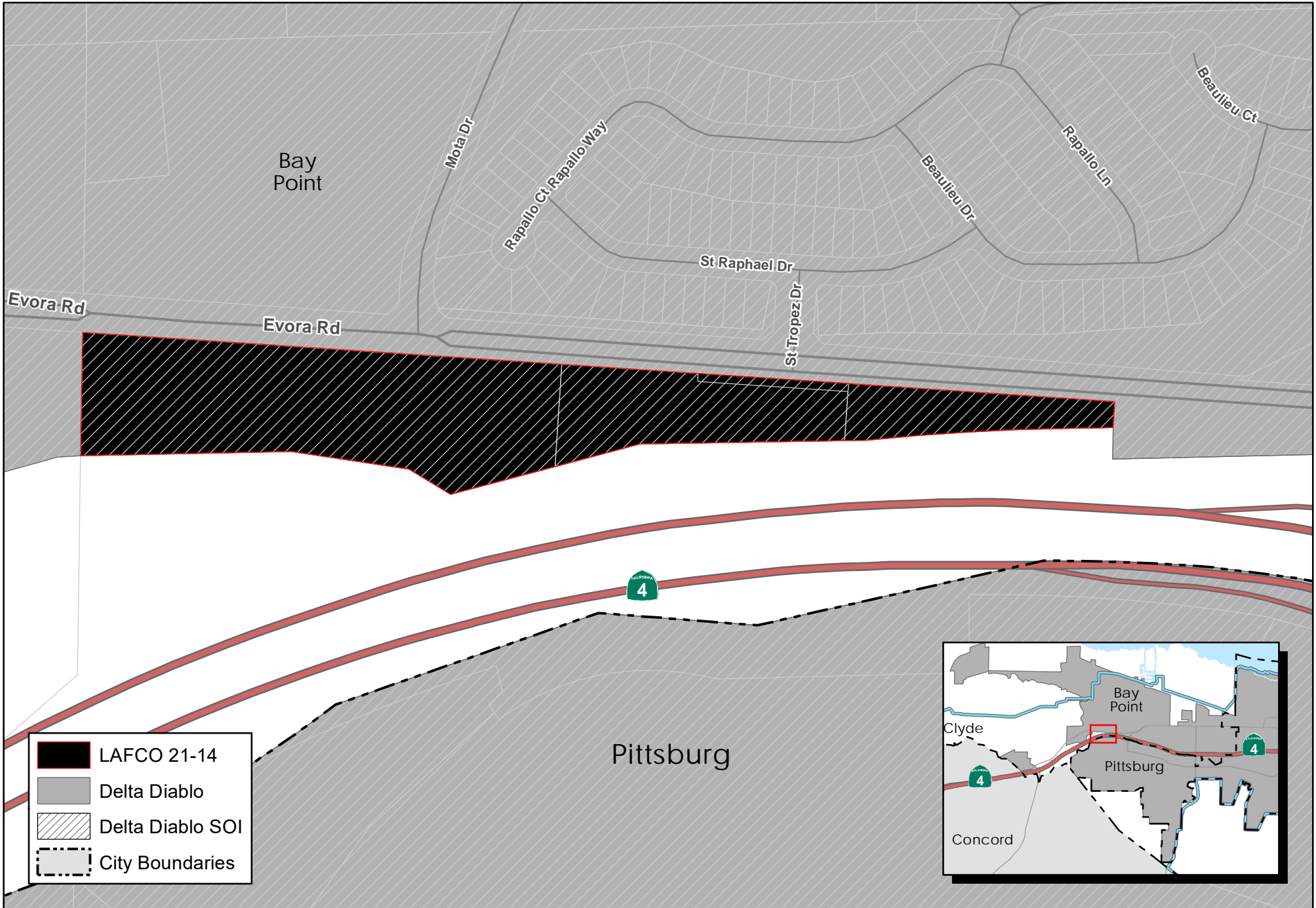
Attachment

- 1. Draft LAFCO Resolution 21-14

- c: Kelly Gallacher, Applicant
Izzat Nashashibi, Humann Company
Brian Thomas, Delta Diablo
Thanh Vo, Delta Diablo
Mark Seedall, Contra Costa Water District
Syd Sotoodeh, Contra Costa County Department of Conservation and Development

LAFCO 21-14 Annexation to Contra Costa Water District (CCWD) – Evora Road Self Storage





RESOLUTION NO. 21-14

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATIONS TO CONTRA COSTA WATER DISTRICT AND DELTA DIABLO
EVORA ROAD SELF STORAGE**

WHEREAS, the above-referenced proposal was filed with the Executive Officer of the Contra Costa Local Agency Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (§56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; 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 Executive Officer reviewed available information and prepared a report including her recommendations therein, and the report and related information were presented to and considered by the Commission; and

WHEREAS, at a public hearing held on June 8, 2022, 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 recommendations, the environmental documents and determinations, applicable General and Specific Plans, consistency with the spheres of influence, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the subject area object to the proposal; and

WHEREAS, the applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the annexation; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Contra Costa County.

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

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, considered the environmental effects of the project as shown in Contra Costa County's Initial Study/Mitigated Negative Declaration. The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the County and not LAFCO, and that changes have been, or can and should be, adopted by the County as the lead agency.

2. Annexations to Contra Costa Water District (CCWD) and Delta Diablo (DD) of 7.75± acres are hereby approved.
3. The subject proposal is assigned the following distinctive short-form designation:
EVORA ROAD SELF STORAGE - ANNEXATIONS TO CONTRA COSTA WATER DISTRICT AND DELTA DIABLO
4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject area shall be liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agencies.
6. Water service is conditional on CCWD receiving acceptance for inclusion of the annexed area from the U.S. Bureau of Reclamation (USBR), pursuant to the requirements in CCWD's contract with USBR for supplemental water supply from the Central Valley Project.
7. The subject area is uninhabited.
8. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
9. All subsequent proceedings in connection with these annexations shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: June 8, 2022

Lou Ann Texeira, Executive Officer