

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

September 14, 2022 (Agenda)

September 14, 2022
Agenda Item 7

LAFCO 22-01 Annexation to City of Concord and Detachment from County Service Area (CSA) P-6
APPLICANT Anthony & Tina Akins, Landowner/Applicant
SYNOPSIS This is an application to annex one parcel (APN 116-092-007) to the City of Concord and detach from CSA P-6. The parcel totals 1.42± acres and is located at 1974 Ayers Road in unincorporated Concord (Ayers Ranch) - see Exhibit A.

The annexation/detachment is in accordance with the City's pre-annexation agreement and LAFCO's conditions of approval for out-of-agency wastewater service in June 2021.

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 factor is to be evaluated within the context of the overall proposal.

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

The subject parcel is within the SOI of the City of Concord.

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

Currently, there is one single family home on the subject parcel. The existing home has City wastewater service. The landowners plan to construct a second residential unit on the parcel, have submitted building and grading permit applications to the County, and await the County's approval and issuance of permits.

Given the delays in the construction project, it is recommended that, should the Commission approve the boundary reorganization, the effective date of the reorganization be deferred until September 30, 2023 to allow the property owners additional time to obtain permits from the County and complete construction.

The County General Plan designation for the property is Single-Family Residential - Low Density and the County's zoning designation is R-20 (20,000 sq. ft. minimum). The City of Concord rezoned the property RR-20 (Rural Residential – 20,000 sq. ft. minimum), and the City's General Plan designation is Rural Residential. Residential development surrounds the subject parcel to the north, south and west; the area to the east includes a portion of the decommissioned Concord Naval Weapons Station. The subject parcel is located within the voter approved Urban Limit Line.

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

The project site is zoned for single-family residential development and is surrounded by single-family residential development to the west, north and south. The subject area contains no prime farmland, land covered under a Williamson Act Land Conservation agreement, or any designated open space.

4. **Topography, Natural Features and Drainage Basins:**

The subject property slopes upward toward the rear of the property (100± feet of elevation change). The surrounding areas are similar with slopes toward the rear of the property, with no significant natural features.

5. **Population:**

The average household size in the City of Concord is 2.76 and the average family size is 3.32. The estimated population for one single family homes is approximately 2.76 people. (Data source: US

Census Bureau American Community Survey 2020 5-year estimates). The subject property currently has two registered voters; thus, the subject area is, by statute, considered uninhabited.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Development of one single family home on the subject parcel will add to the City's housing stock.

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

If a proposal for a change of organization or reorganization is submitted, the applicant must submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is included with the application. The plan must 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 subject area is currently served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection District, Contra Costa Water District (CCWD), and various other public agencies.

The City of Concord provides wastewater services to the subject area pursuant to an out-of-agency service agreement approved by LAFCO on June 9, 2021.

Regarding infrastructure needed to serve the property, a public sanitary sewer main is present in Ayers Road along the property frontage. Two to four inch (30-length) sanitary sewer laterals will be connected to the existing 8-inch main and extended across Ayers Road to the subject property. It is estimated that one single family home will generate approximately 80-100 gallons of wastewater per day. The property owner is responsible for the capital costs; future operations and maintenance costs are the responsibility of the homeowner(s).

8. Timely Availability of Water and Related Issues:

The subject area is within the service boundary of CCWD. 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.

9. Assessed Value, Tax Rates, and Indebtedness:

The subject area is within tax rate area 79036. The assessed value for the subject area is \$498,524 (2021-22 roll). The territory being annexed is liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

As Lead Agency, Contra Costa County found the project exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15303(a). The LAFCO Environmental

Coordinator has reviewed the County's CEQA documentation and finds it adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent notice of this LAFCO hearing.

According to County Elections, there are currently two registered voters in the subject area; thus, the subject area is, by statute, considered uninhabited. Therefore, if the Commission approves the annexation/detachment, the Commission must waive the protest hearing (Gov. Code §56662) as no affected landowners filed a protest as of this writing.

12. Boundaries and Lines of Assessment:

The subject area is within the City of Concord's SOI. A map and legal description for the proposed annexation/detachment have been 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/detachment 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 subject area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

As of this writing, LAFCO has received no objection from any affected local agency, landowner, or registered voter within the subject area. If no objection is received from any affected party prior to the conclusion of the hearing on September 14th, the Commission must waive the protest hearing.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to GC §§56668(g) and 65080. The Commission may also *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. This plan focused on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. 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. This proposal is consistent with *Plan Bay Area*.

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 Approve the annexation/detachment as proposed.

- A. Find that the project is exempt from CEQA pursuant to the California Environmental Quality Act Guidelines section 15303(a).
- B. Adopt this report, approve LAFCO Resolution No. 22-01 (Attachment 1), and approve the proposal, to be known as *Annexation to City of Concord/Detachment from CSA P-6, Akins Property* subject to the terms and conditions in Resolution No. 22-01.
- C. Defer issuing the LAFCO Certificate of Completion until September 30, 2023, to allow the property owners to obtain permits from the County and complete construction.

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

Annexation Map

Attachment

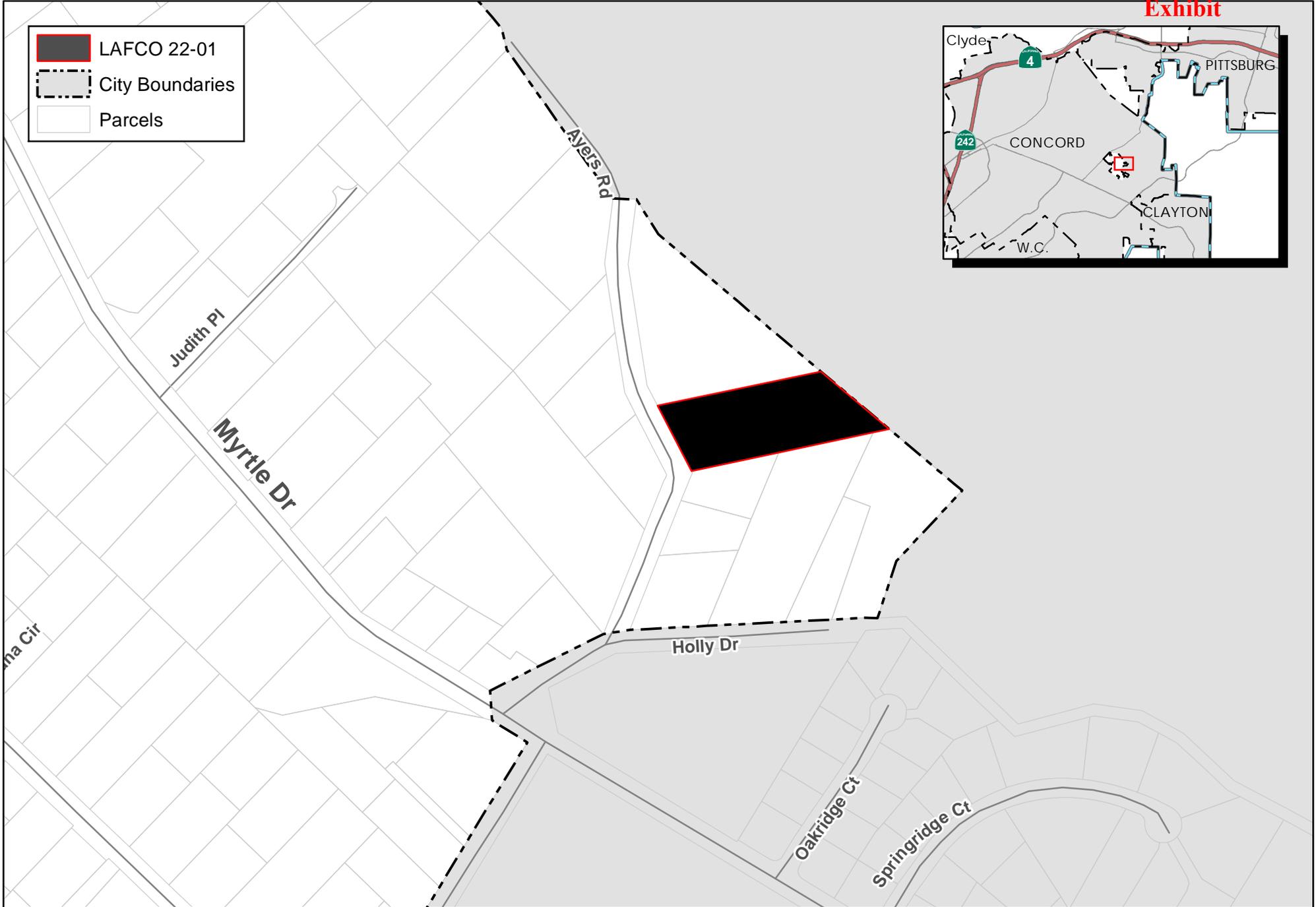
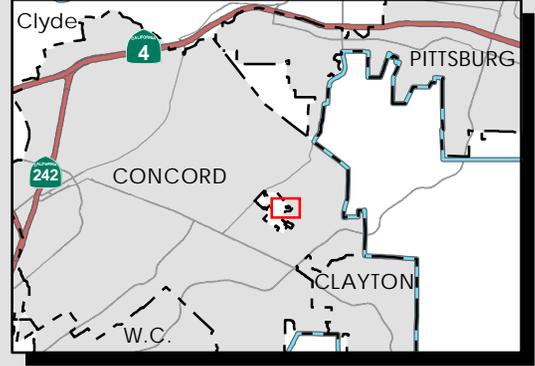
Draft LAFCO Resolution 22-01

- c: Anthony & Tina Akins, Landowners
Kevin Marstall, Community Development Director, City of Concord
Mitra Abkenari, Associate Civil Engineer, City of Concord

LAFCO 22-01 Annexation to City of Concord and Detachment from County Service Area P-6 (1974 Ayers Rd)

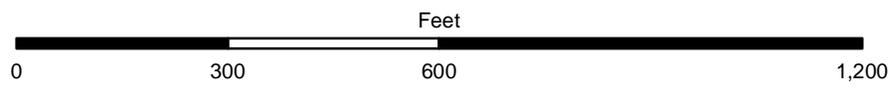
Exhibit

-  LAFCO 22-01
-  City Boundaries
-  Parcels



Map created 8/16/2022
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

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



RESOLUTION NO. 22-01

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION TO CITY OF CONCORD AND
DETACHMENT FROM COUNTY SERVICE AREA (CSA) P-6
AKINS PROPERTY**

WHEREAS, the above-referenced proposal 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, the Executive Officer has 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 has 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 September 14, 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 recommendation, the environmental documents and determinations, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the City and district boundaries, 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 proving 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. Find that the project is exempt from CEQA pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15303(a).
2. The annexation to the City of Concord and detachment from CSA P-6 of 1.42± acres is hereby approved.

3. Defer issuing the LAFCO Certificate of Completion until September 30, 2023, to allow the property owners time to obtain permits from the County and complete construction.
4. The subject proposal is assigned the distinctive short-form designation:
**ANNEXATION TO CITY OF CONCORD AND DETACHMENT FROM CSA P-6
AKINS PROPERTY**
5. The boundary of the affected territory is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory is liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agency.
7. The subject territory is uninhabited.
8. No affected landowners or registered within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation/detachment 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 14th day of September 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: September 14, 2022

Lou Ann Texeira, Executive Officer