



Lou Ann Teixeira
Executive Officer

NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, July 12, 2023, 1:30 PM

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

The public may attend this meeting in person at the following location: Board of Supervisor Chambers, County Administration Building, 1025 Escobar Street, First Floor, Martinez, CA 94553

The public may also attend this meeting remotely by Zoom or telephone.

If joining remotely by Zoom, please click the link below:

<https://cccounty-us.zoom.us/j/84447218907>

Or by telephone:

Dial:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 220394

LAFCO meetings are audio recorded and posted online at <http://contracostalafco.org/meetings-and-public-hearings/>. Audio recordings are available the day following the LAFCO meeting. LAFCO meeting materials and staff reports are available online at <http://contracostalafco.org/meetings-and-public-hearings/>.

PUBLIC COMMENT: The Commission will consider all verbal and written comments received. Comments may be emailed to LouAnn.Teixeira@lafco.cccounty.us or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1st Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

NOTICE TO THE PUBLIC

Disclosable public records for a regular meeting agenda distributed to a majority of the members of the Commission less than 72 hours prior to that meeting will be made available on <http://contracostalafco.org/meetings>

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 was 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 accommodation for persons with disabilities planning to join the meeting. Please contact the LAFCO office at least 48 hours before the meeting at 925-313-7133.

JULY 12, 2023 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes of the June 14, 2023, regular LAFCO meeting
4. 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.

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

5. ***LAFCO 23-05 – Annexation 322 to West County Wastewater District – Scannell Properties*** - consider approving annexation of 28± acres (APNs 408-130-041 & 408-090-055) located at 155 and 177 Parr Blvd (unincorporated Richmond) to serve development of two warehouses; and consider related actions as a responsible agency under the California Environmental Quality Act (CEQA)
Public Hearing
6. ***LAFCO 23-06 – Detachment from Reclamation District 800 (RD 800) – Pulte Homes*** - consider approving detachment of 29± acres from RD 800 (APNs 004-510-001, -003, -005) located at 4660 Point of Timber Road, Discovery Bay; and consider related actions as a responsible agency under CEQA ***Public Hearing***
7. ***LAFCO 23-08 – Annexation to Delta Diablo – Loreto Bay Estates*** – consider approving annexation of 2.88+ acres (APN 096-050-016) located at the northeast corner of Pullman Ave and Fairview Ave (Bay Point) to serve development of 15 residential lots; and consider related actions as a responsible agency under CEQA ***Continue Public Hearing to August 9, 2023***

BUSINESS ITEMS

8. ***Legislative Update*** – receive legislative update and approve position letter

INFORMATIONAL ITEMS

9. ***Current and Potential Applications*** - update on current and potential applications – *information only*
10. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)
11. Commissioner Comments and Announcements
12. Staff Announcements/Newspaper Articles/CALAFCO Update

ADJOURNMENT

Next regular LAFCO meeting is August 9, 2023, at 1:30 pm.

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

**CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION MEETING MINUTES
June 14, 2023**

**July 12, 2023
Agenda Item 3**

1. Call to Order
2. **Welcome and Roll Call (Agenda Items 1 - 2)**

Chair Glover called the meeting of **June 14, 2023**, to order at 1:31 p.m.
The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Federal Glover, Chair	Chuck Lewis	Lou Ann Texeira, Executive Officer
Don Blubaugh, Vice Chair (absent)	Edi Birsan	Tom Geiger, Commission Counsel
Candace Andersen	Diane Burgis (absent)	Anna Seithel, LAFCO Clerk Analyst
Patricia Bristow (absent)		
Mike McGill		
Scott Perkins (absent)		
Gabriel Quinto		

Announcement: Pursuant to Governor Newsom’s Executive Order and local county health orders issued to address the COVID 19 pandemic, the Commission meeting is being held via Zoom videoconference and in person. The public may attend in person, via Zoom, or listen to the meeting telephonically and comment by calling in to the teleconference meeting per the instructions on page one of the agenda. As required by the Brown Act, all votes taken this afternoon will be done by a roll call vote of the attending Commissioners participating via teleconference and in person.

3. Approval of May 10, 2023, Minutes and Corrections

Upon motion by Commissioner Andersen and second by Commissioner Lewis, the Commission unanimously, by a 6-0 vote approved the May 10, 2023, amended meeting minutes.

VOTE:

AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

4. Public Comments

Chair Glover invited members of the audience to provide public comment. There was no public comment.

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

5. **LAFCO 23-01 – Dissolution of Knightsen Town Community Services District (KTCSO)** – Upon motion by Commissioner Andersen and second by Commissioner Quinto, the Commission unanimously, by a 6-0 vote, received the results of the June 12, 2023, protest hearing on the dissolution ordered the dissolution, and directed staff to execute the Executive Officer’s Determination. Chair Glover invited members of the audience to provide public comment. There was no public comment.

VOTE:

AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

6. **LAFCO 23-03 – Annexation to West County Wastewater District, CenterPoint Properties** – Upon motion by Commissioner McGill and second by Commissioner Andersen, the Commission unanimously, by a 6-0 vote, approved annexation of 32± acres (18 parcels) located at 506 Brookside Drive (unincorporated Richmond), and related actions under the California Environmental Quality Act (CEQA). **Public Hearing** - Chair Glover invited members of the audience to provide public comment. There was no public comment

VOTE:
AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

7. **LAFCO 23-07 – Annexation to Mt. View Sanitary District, Yan Property** – Upon motion by Commissioner Lewis and second by Commissioner Andersen, the Commission unanimously, by a 6-0 vote, approved annexation of 1.93± acres (APN 162-142-003) located on Venner Road in the City of Martinez to serve development of one single family home, and related actions as a responsible agency under CEQA. **Public Hearing** - Chair Glover invited members of the audience to provide public comment. There was no public comment.

VOTE:
AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

8. **LAFCO 23-09 – Delta Diablo (DD) Sphere of Influence (SOI) Amendment, Loreto Bay** – Upon motion by Commissioner McGill and second by Commissioner Quinto, the Commission unanimously, by a 6-0 vote, approved expanding DD’s SOI to include one parcel (APN 096-050-016) totaling 2.88± acres located at the northeast corner of Pullman Ave and Fairview Ave (Bay Point) to serve development of 15 residential lots, and related actions as a responsible agency under CEQA. **Public Hearing** - Chair Glover invited members of the audience to provide public comment. There was no public comment.

VOTE:
AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

9. **LAFCO 23-10 – City of Concord, Out of Agency Service** – Upon motion by Commissioner Birsan and second by Commissioner McGill, the Commission unanimously, by a 6-0 vote, after deliberation, approved a request by the City of Concord to extend municipal wastewater service to one parcel located at located at 1857 Ayers Road in unincorporated Concord, and related actions as a responsible agency under CEQA.

VOTE:
AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

BUSINESS ITEMS

10. ***LAFCO 18-06 – Chang Property Reorganization: Annexations to City of San Ramon, Central Contra Costa Sanitary District, and EBMUD and Detachment from County Service Area P-6*** – Upon motion by Commissioner Andersen and second by Commissioner Birsan, the Commission unanimously, by a 6-0 vote, after deliberation, approved an extension of time to file the Certificate of Completion to June 30, 2024. Linus Eukel of John Muir Land Trust joined via Zoom teleconference to offer services to facilitate the preservation of the property. Lauren Barr of the City of San Ramon joined via Zoom teleconference to speak on the timeline of the project.

VOTE:
AYES: Andersen, Birsan, Glover, Lewis, McGill, Quinto
NOES: None
ABSENT: Blubaugh, Bristow, Perkins
ABSTAIN:

11. ***CALAFCO 2023 Annual Conference, Board and Achievement Award Nominations*** – the Commission received this information, no action.
12. ***Legislative Update and Position Letter*** – the Commission received this information, no action.
13. ***Executive Officer’s Performance Review and Compensation*** – Upon motion by Commissioner McGill and second by Commissioner Andersen, the Commission unanimously, by a 6-0 vote, approved a salary increase in the amount of 5% for the LAFCO Executive Officer in conjunction with the recent performance review. Chair Glover invited members of the audience to provide public comment. There was no public comment.

INFORMATIONAL ITEMS

14. ***Current and Potential Applications*** – the Commission received this information, no action.
15. ***Correspondence from Contra Costa County Employees’ Retirement Association (CCERA)*** – the Commission received this information and appointed Commissioner McGill to serve as LAFCO’s voting delegate and appointed Commissioner Andersen to serve as the alternate voting delegate.
16. ***Commissioner Comments and Announcements*** – Commissioner McGill reported:
- ***June 16, 2023 - CALAFCO Legislative Committee meeting***
 - ***July 14, 2023 - CALAFCO Board of Directors meeting***
 - ***July 28, 2023 - CALAFCO Legislative Committee meeting***
17. ***Staff Announcements/Newspaper Articles/CALAFCO Update*** – Staff reported that we have a run-off election underway for the Alternate Special District seat consisting of two candidates: Michelle Lee with San Ramon Valley Fire Protection District and Scott Pastor with Diablo Water District; also, Faria Southwest Hills boundary reorganization was recently resubmitted and currently under review. Commissioner McGill commented about voting via email versus in-person elections, and that the Special District is willing to assist with this process.

ADJOURNMENT

The meeting ended at 2:14 P.M.

The next regular LAFCO meeting is July 12, 2023, at 1:30 pm.

By _____
Lou Ann Texeira, LAFCO Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 12, 2023 (Agenda)

July 12, 2023
Agenda Item 5

LAFCO 23-05 Annexation to West County Wastewater District (WCWD) – Scannell Properties

APPLICANT Scannell Properties #601, LLC (Landowners)

SYNOPSIS On September 14, 2022, Contra Costa LAFCO approved an out of agency service agreement to allow WCWD to extend wastewater service to the subject parcels. LAFCO's approval included various conditions including "a commitment from the landowners to submit to LAFCO an application by September 30, 2023, to annex the subject parcels to WCWD".

In April 2023, the applicant submitted an application to annex 28± acres (APNs 408-130-041 and 408-090-055) and adjacent roadway to WCWD. The parcels are located at 155 and 177 Parr Blvd in unincorporated Richmond (Exhibit A). The applicant intends to build two new warehouses.

DISCUSSION

Government Code §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 parcels proposed for annexation are within WCWD's SOI, and within the County Urban Limit Line. The parcels are located in unincorporated Richmond.

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

The County's General Plan designation for the parcels is *Heavy Industrial* (HI) and the County's zoning designation is Planned Unit (P-1). The subject parcels are located within the Urban Limit Line. No changes to the General Plan or zoning designations are proposed in conjunction with this proposal.

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

The subject area contains no prime farmland or land covered under the Williamson Act Land Conservation agreements.

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

The subject area is relatively flat and graded to match existing drainage patterns ultimately draining towards Richmond Parkway and San Pablo Bay. There is an existing wetland swale through the north end of 155 Parr Blvd.

5. **Population:**

There will be no increase in population as this is an industrial area. The subject area currently has zero registered voters; thus, the subject area is considered uninhabited.

6. **Fair Share of Regional Housing:**

The proposed use of the subject property is construction of two new warehouses. There is no population increase associated with the proposed development; no housing is included in the project.

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

An application for a change of organization or reorganization typically requires a plan for providing services within the affected territory (Gov. Code §56653). The plan for service is available in the LAFCO office at 40 Muir Road, Martinez. The plan for service includes all of the following information and any additional information required by the Commission or the LAFCO 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 served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection District, East Bay Municipal Utility District (EBMUD), and other local and regional agencies.

The proposal before the Commission is to annex 28± acres (two parcels) and adjacent roadway to WCWD for the provision of wastewater collection, treatment, and disposal services.

WCWD serves 34,000 residences and 2,450 commercial and industrial businesses, with a population of approximately 103,214 in the cities of Pinole, Richmond and San Pablo, and the unincorporated areas of East Richmond Heights, Bayview, El Sobrante, Rollingwood, and Tara Hills within a 16.9± square mile service area.

WCWD owns, operates, and maintains a wastewater collection system with 252 miles of gravity sewer pipelines, 17 lift stations, six miles of force mains, and a Water Quality and Resource Recovery Plant with a capacity of 12.5 million gallons per day (gpd), average dry weather flow.

Regarding infrastructure needed to serve the subject area, WCWD sewer mains are located on Parr Blvd and are within 30-40 feet of the subject parcels. Sewer laterals will be constructed on the parcels to connect to WCWD sewer mains. The landowners will complete construction necessary to connect to WCWD's collection system. The estimated improvement costs are approximately \$202,083. The landowner is responsible for paying all fees and costs for infrastructure improvements. It is estimated that the two warehouses will generate approximately 17,136 gallons of wastewater per day.

8. Timely Availability of Water and Related Issues:

The subject property is within the service boundary of EBMUD, which serves an area of 332± square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.4 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 225± square mile service area, serving an estimated 522,000 residents. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90% of EBMUD's water supply. EBMUD can adequately serve the project.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 85094. The total assessed value for the annexation area is \$19,538,340 (2022-23 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. WCWD will rely on the master tax transfer agreement for this annexation.

10. Environmental Impact of the Proposal:

In conjunction with the Scannell Properties Warehouse Project, Contra Costa County, as Lead Agency, prepared and certified an Environmental Impact Report (EIR) and Mitigation and Monitoring Reporting Program. 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:

According to County Elections, there are zero registered voters in the subject area; thus, the area proposed for annexation is, by statute, considered uninhabited. The property owner/applicant consents to the proposed annexation. Therefore, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662).

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

12. Boundaries and Lines of Assessment:

The annexation area is within WCWD's SOI and contiguous to the WCWD's service boundary. A map and legal description to implement the proposed boundary change was submitted and is subject to approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to consider the extent to which a change of organization or reorganization proposal 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 minorities or economically disadvantaged groups.

14. Disadvantaged Communities:

In accordance with state law, 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 area proposed for annexation is not within a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

As of this writing, no comments were received from affected agencies or parties.

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. This proposal is consistent with *Plan Bay Area*.

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 Approve the annexation as proposed.

- A. Find that, as a Responsible Agency under the California Environmental Quality Act (CEQA), LAFCO has reviewed and considered the environmental effects of the Scannell Properties warehouse project in Contra Costa County’s *Environmental Impact Report and Mitigation Monitoring & Reporting Program*, and finds that all changes or alterations in the project that avoid or substantially lessen its environmental effects are within the responsibility and jurisdiction of the County and not LAFCO, and that those changes have been, or can and should be, adopted by the County as lead agency.
- B. Adopt this report, approve LAFCO Resolution No. 23-05 (Exhibit B), and approve the proposal, to be known as *Annexation to West County Wastewater District – Scannell Properties* subject to the following terms and conditions:
 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments, and charges comparable to properties presently within the annexing agency.

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:

Option 1 – Approve the annexation as proposed.

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

Exhibits





A – WCWD Annexation Map

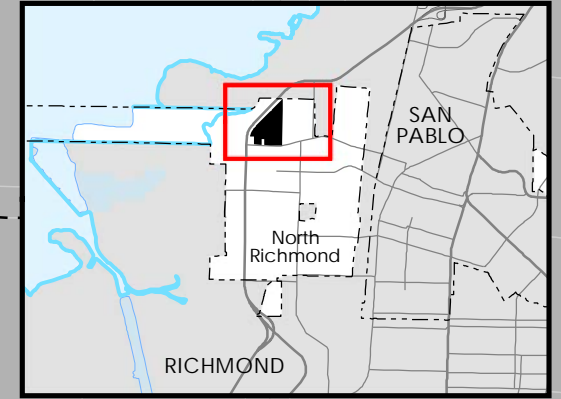
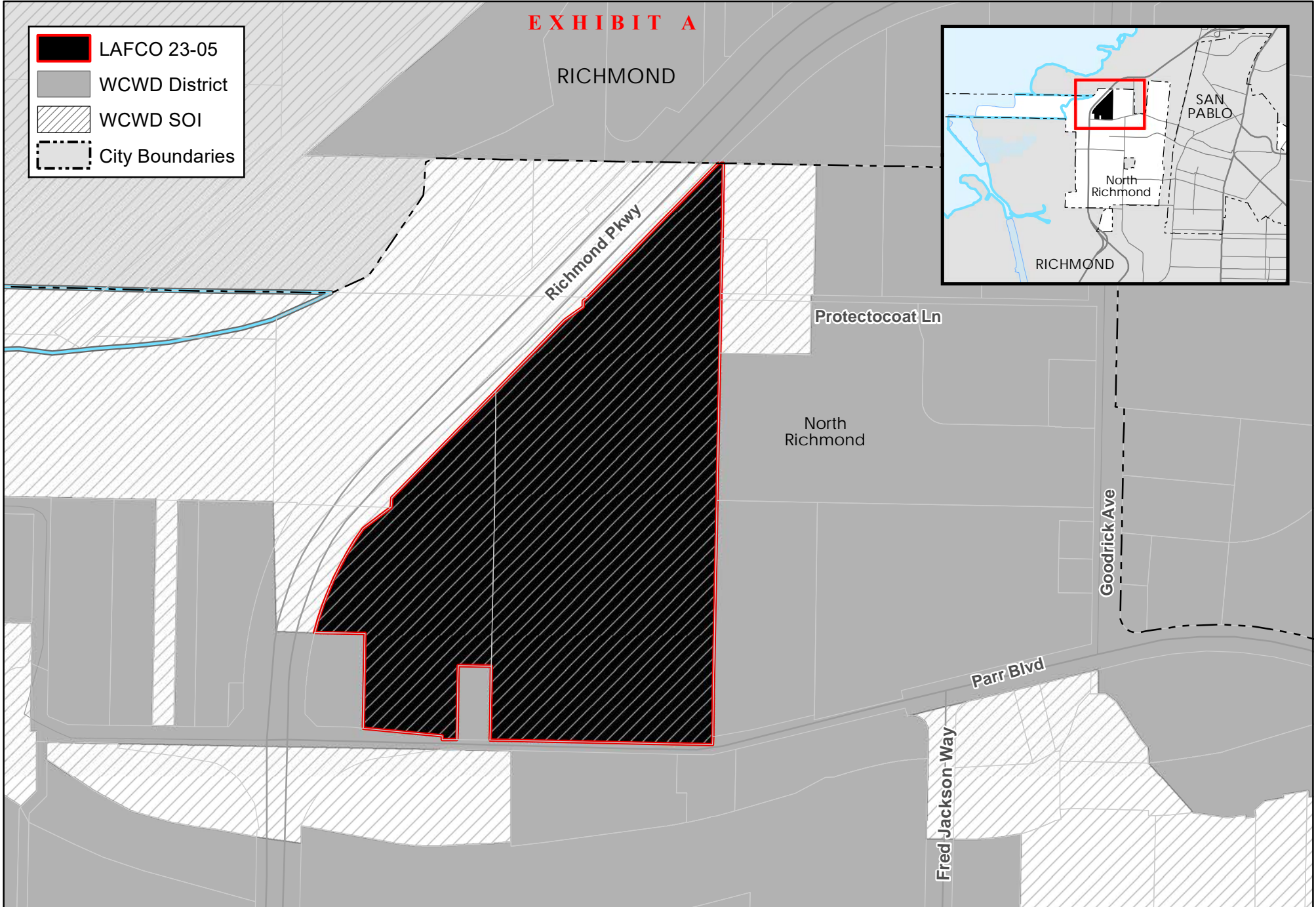
B – Draft LAFCO Resolution 23-05

c: Distribution

LAFCO 23-05 – Annexation to West County Wastewater District – Scannell Properties

EXHIBIT A

-  LAFCO 23-05
-  WCWD District
-  WCWD SOI
-  City Boundaries



RESOLUTION NO. 23-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION TO WEST COUNTY WASTEWATER DISTRICT (WCWD)
SCANNELL PRORERTIES**

WHEREAS, the above-referenced proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (§56000 et seq. of the Gov. 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 July 12, 2023, 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 document and determinations, applicable General and Specific Plans, consistency with the sphere of influence, and related factors and information including those contained in Gov. Code §56668; and

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

WHEREAS, the applicant 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 Environmental Impact Report and Mitigation and Monitoring Reporting Program. 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 Contra Costa County and not LAFCO, and that these changes have been, or can and should be, adopted by Contra Costa County as the lead agency.

- 2. Annexation to WCWD of two parcels and roadway totaling 28± acres located at 155 and 177 Parr Blvd in unincorporated Richmond is approved.
- 3. The subject proposal is assigned the distinctive short-form designation:
ANNEXATION TO WEST COUNTY WASTEWATER DISTRICT – SCANNELL PROPERTIES
- 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 is liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agency.
- 6. The subject area is uninhabited.
- 7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
- 8. All subsequent proceedings in connection with this annexation 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 12TH day of July 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, 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: July 12, 2023

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 12, 2023 (Agenda)

July 12, 2023
Agenda Item 6

LAFCO 23-06

Detachment from Reclamation District (RD) 800

APPLICANT

Jon Cakus, Pulte Group, Landowners

SYNOPSIS

This is an application to detach three parcels (APNs 004-510-001/-003/-005) from Reclamation District (RD) 800. The detachment was one of the County's tentative map conditions of approval in conjunction with the Pantages development project. The subject area totals 29± acres and is located south of Point of Timber Road in unincorporated Discovery Bay as shown on the attached map (Exhibit A). The subject parcels are currently under development.

The subject area is within Town of Discovery Bay Community Services District's (DBCSD) service boundary. DBCSD provides water supply; sewage collection, treatment and disposal; levee maintenance; parks and recreation, lighting, landscaping maintenance, and advisory function (advisory council).

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 detachment is within the DBCSD's SOI. A portion of the subject area was annexed to DBCSD in April 2022 in conjunction with the Pantages development project.

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

The subject parcel is located within the Urban Limit Line and is surrounded to the east, west and south by residential development; the area to the north is Delta recreation (Orwood Tract). The County's General Plan designation is Single Family Residential High-Density (SH), and the Zoning designation is Planned Unit (P-1).

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

The subject area contains no prime farmland or land covered under the Williamson Act Land Conservation agreements.

4. Topography, Natural Features and Drainage Basins:

The subject parcels and surrounding areas are fairly flat land adjacent to Kellogg Creek.

5. Population and Fair Share of Regional Housing:

Detachment of the subject area from RD 800 will have no impact on regional housing. The adjacent Pantages annexation included development of approximately 277 single-family residential homes and other amenities.

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 subject area is served by DBCSD, Contra Costa County Fire Protection District, and various local and regional government agencies.

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 proposed boundary change. Contra Costa LAFCO policies state that any proposed 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. The subject property is served by DBCSD, which provides municipal water service.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 60017. The assessed value for the annexation area is \$1,878,320 (2022-23 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 conjunction with the Pantages development project, Contra Costa County, as Lead Agency, prepared and certified an Environmental Impact Report (EIR) and addendums in conjunction with the *Pantages Bays Residential Development Project*. The County's environmental documents, including the addendum, included detachment from RD 800 as a condition of approval (i.e., COA #70).

11. Landowner Consent and Consent by Annexing Agency:

The landowner applicant consents to the proposed annexation.

12. Boundaries and Lines of Assessment:

A map and legal description to implement the proposed detachment 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 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 area proposed for detachment 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 (i.e., fewer than 12 registered voters). The affected landowner consents to the annexation.

To date, LAFCO has received one inquiry and no objections to the proposed detachment; 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)]. 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. 23-06 (Attachment 1), making CEQA findings and approving the proposal, to be known as *Detachment from Reclamation District 800 Pulte Homes*.

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. Map - 23-06 – Detachment from RD 800 - Pulte Homes




Attachment

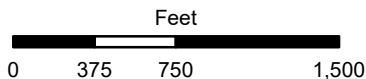
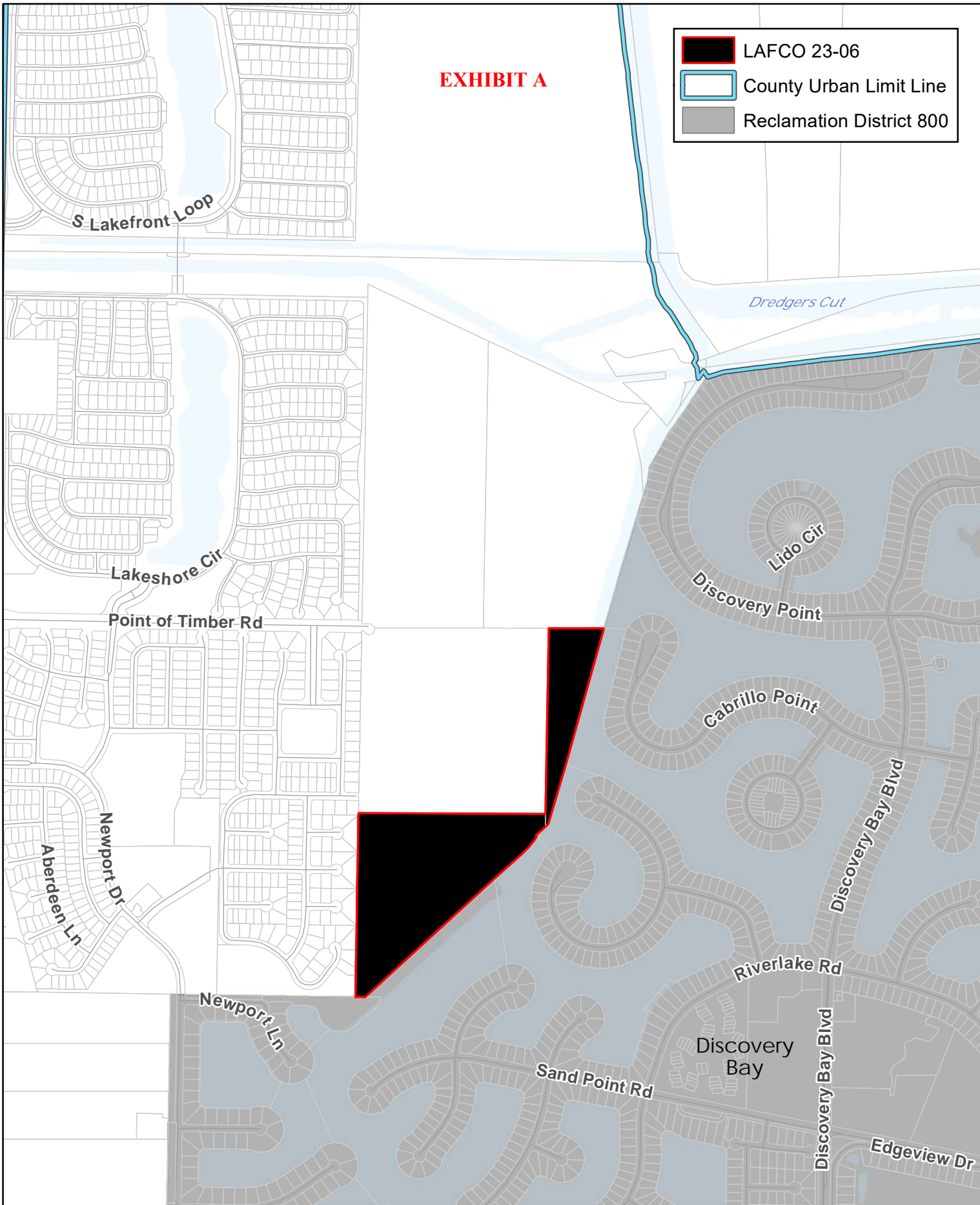
1. Draft LAFCO Resolution 23-06

c: Jon Cakus, Pulte Homes, Applicant
Sonnet Rodrigues, District Manager, Reclamation District 800

LAFCO 23-06 – Detachment from Reclamation District 800 – Pulte Group

EXHIBIT A

	LAFCO 23-06
	County Urban Limit Line
	Reclamation District 800



RESOLUTION NO. 23-06

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
DETACHMENT FROM RECLAMATION DISTRICT (RD) 800 – PULTE HOMES**

WHEREAS, the above-referenced proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (§56000 et seq. of the Gov. 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 July 12, 2023, 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 document and determinations, applicable General and Specific Plans, consistency with the sphere of influence, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, the detachment was a tentative map condition of approval.

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

WHEREAS, the applicant 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 detachment; 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 Environmental Impact Report and addendums in conjunction with the Pantages Bays Residential Development Project.

2. Detachment of three parcels (APNs 004-510-001, -003, -005) from Reclamation District (RD) 800 totaling 29± acres located south of Point of Timber Road in unincorporated Discovery Bay is approved.
3. The subject proposal is assigned the distinctive short-form designation:
DETACHMENT FROM RECLAMATION DISTRICT 800 – PULTE HOMES
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 is uninhabited.
6. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
7. All subsequent proceedings in connection with this 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 12TH day of July 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, 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: July 12, 2023

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 12, 2023 (Agenda)

July 12, 2022
Agenda Item 7

LAFCO 23-08

Annexations to Delta Diablo (DD) – Loreto Bay Estates

APPLICANT

Jose and Monica Luis and Discovery Builders, Landowners

SYNOPSIS

This is an application to annex one parcel (APN 096-050-016) totaling 2.88± acres to DD located at the northeast corner of Pullman Avenue and Fairview Avenue in unincorporated Bay Point as shown on the attached map (Exhibit A). The subject parcel is currently vacant land.

The purpose of the proposal is to extend wastewater service to the subject parcel. Proposed development on the parcel includes 15 residential units, common areas for bioretention basins, and a park.

The subject area is within DD's sphere of influence (SOI). On May 10, 2023, 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 DD's SOI.

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

The subject parcel is located within the voter approved Urban Limit Line. The project area is surrounded to the east and north by vacant/railroad land, a mixture of industrial and residential to the west, and single-family residential lots to the south. The County's General Plan designation is Single Family Residential High-Density. On February 3, 2023, the County approved a rezone of the property from Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X) to Planned Unit Development (P-1) to allow development of 15 residential units.

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

The subject area contains no prime farmland or land covered under the Williamson Act Land Conservation agreements.

4. Topography, Natural Features and Drainage Basins:

The subject parcel and surrounding areas are generally sloping at approximately 1.5% in the northeasterly and easterly directions.

5. Population and Fair Share of Regional Housing:

Proposed use of the subject property is construction of 15 single-family homes. The projected growth is 43 persons based on the average median household size of 2.85 persons in Contra Costa County.

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, Ambrose Recreation & Park District, Contra Costa Water District, and Contra Costa County Fire Protection District.

The subject parcel is located adjacent to DD'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.

Annexation to DD is needed to allow the project site to connect to the existing sewer lines. DD provided a letter indicating that they will provide sanitary sewer services to the annexation area subject to specified conditions. DD staff reports an estimate average flow of 200 gallons per day for each single-family residential dwelling unit. Also, there is sufficient capacity in the gravity mains downstream of the subject area, which drain to Delta Diablo's Broadway Pump Station where there is sufficient capacity to handle the added flows anticipated in conjunction with this annexation.

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.

The subject property is with the Contra Costa Water District (CCWD) service boundary. 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.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 79005. The assessed value for the annexation area is \$640,000 (2022-23 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 2022, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (MND) in conjunction with the Loreto Bay Estates project. The environmental factors potentially affected by this project include Aesthetics, Air Quality, Cultural Resources, Geology/Soils, and Noise. The County found that *“the MND adequately analyzes the project’s environmental impacts and found there is no substantial effect on the environment”*.

11. Landowner Consent and Consent by Annexing Agency:

The landowner and applicant consent to the proposed annexation.

12. Boundaries and Lines of Assessment:

The annexation area is within DD’s SOI as approved by the Commission on June 14, 2023. 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 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 landowners consent to the annexation.

To date, LAFCO has received no objections to the proposed 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. 23-08 (Attachment 1), making CEQA findings and approving the proposal, to be known as *Annexation to Delta Diablo – Loreto Bay Estates*.

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. Map - 23-08 - Annexation to Delta Diablo – Loreto Bay Estates

Attachment

1. Draft LAFCO Resolution 23-08

c: Monte Davis, Applicant

Louis Parsons, Applicant





Vince De Lange, General Manager, Delta Diablo

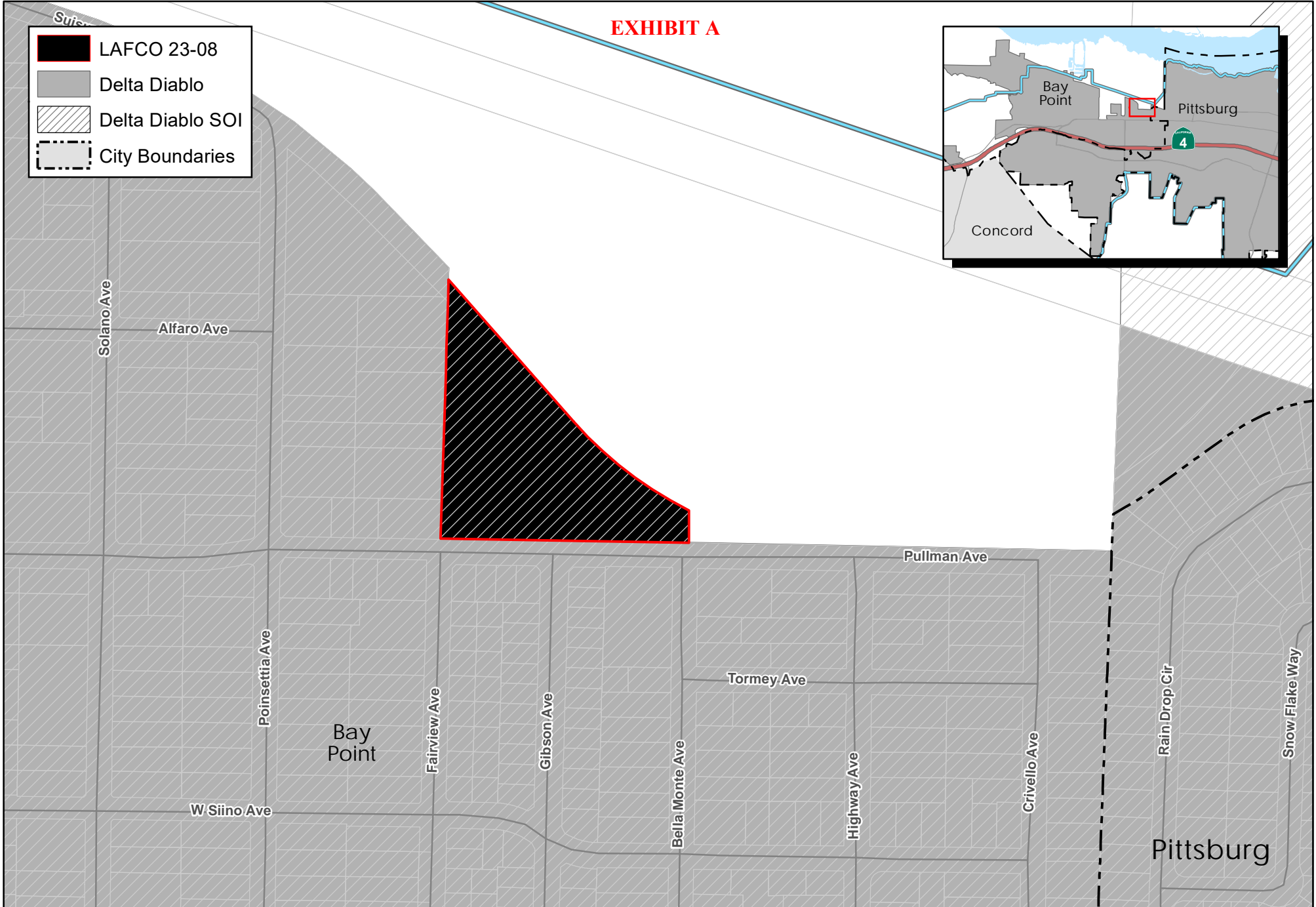
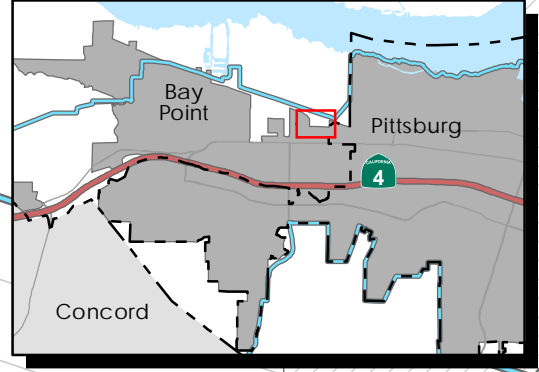
Brian Thomas, Engineering Services Director/District Engineer, Delta Diablo

Thanh Vo, Senior Engineer, Delta Diablo

LAFCO 23-08 Annexation to Delta Diablo – Loreto Bay Estates

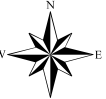
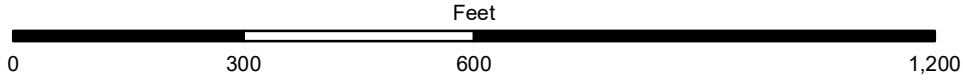
EXHIBIT A

-  LAFCO 23-08
-  Delta Diablo
-  Delta Diablo SOI
-  City Boundaries



Map created 06/15/2023
 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. 23-08

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION TO DELTA DIABLO – LORETO BAY ESTATES**

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 July 12, 2023, 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. Annexation to Delta Diablo of 2.88± acres (APN 096-050-016) is hereby approved.

3. The subject proposal is assigned the following distinctive short-form designation:
LORETO BAY ESTATES - ANNEXATION TO 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. The subject area is uninhabited.
7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
8. All subsequent proceedings in connection with this annexation 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 12th day of July 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

FEDERAL GLOVER, 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: July 12, 2023

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
 Executive Officer

MEMBERS

- | | |
|---|--|
| Candace Andersen
<i>County Member</i> | Federal Glover
<i>County Member</i> |
| Donald A. Blubaugh
<i>Public Member</i> | Michael R. McGill
<i>Special District Member</i> |
| Gabriel Quinto
<i>City Member</i> | Scott Perkins
<i>City Member</i> |
| Patricia Bristow
<i>Special District Member</i> | |

ALTERNATE MEMBERS

- | |
|---|
| Diane Burgis
<i>County Member</i> |
| Vacant
<i>Special District Member</i> |
| Charles R. Lewis, IV
<i>Public Member</i> |
| Edi Birsan
<i>City Member</i> |

July 12, 2023
Agenda Item 8

July 12, 2023

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Legislative Update

Dear Members of the Commission:

CALAFCO sponsored its annual omnibus bill (AB 1753) which was introduced on March 2, 2023 and approved by the Governor and chaptered on June 29, 2023.

CALAFCO is working on others legislative matters including amendments to Gov. Code section 56133 (out of agency service) and indemnification. These items will be discussed at the July 14, 2023 CALAFCO Board meeting.

CALAFCO continues to follow a number of Priority 2 and Priority 3 bills, many of which failed to meet the deadline and are now two-year bills that cannot be acted upon until January 2024. CALAFCO is also watching the open meetings and validations bills.

On June 28, 2023, CALAFCO submitted a letter opposing **AB 399** which conflicts with LAFCO law and minimizes local control and self-determination by disenfranchising those most effected by a potential detachment. **AB 399** deviates from LAFCO law by requiring a second election to be held in addition to the standard election as provided in LAFCO law. Attached please find a draft letter from Contra Costa LAFCO opposing **AB 399**.

Finally, CALAFCO recently issued a call for legislative proposals. Proposals are due by July 20, 2023. The next CALACO Legislative Committee meeting is scheduled for July 28, 2023.

RECOMMENDATION – Authorize the LAFCO Chair to sign and submit the attached letter opposing AB 399.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

Attached – Draft Letter Opposing AB 399



Lou Ann Texeira
Executive Officer

MEMBERS

- Candace Andersen
County Member
- Donald A. Blubaugh
Public Member
- Gabriel Quinto
City Member
- Federal Glover
County Member
- Michael R. McGill
Special District Member
- Scott Perkins
City Member
- Patricia Bristow
Special District Member

ALTERNATE MEMBERS

- Diane Burgis
County Member
- Vacant
Special District Member
- Charles R. Lewis, IV
Public Member
- Edi Birsan
City Member

July 12, 2023

Senator Anna Caballero, Chair
Senate Governance and Finance Committee
California State Senate
1021 O Street, Ste. 7620
Sacramento, CA 95814

RE: AB 399, AS AMENDED JUNE 14, 2023 – OPPOSE

Dear Chair Caballero and Committee Members:

The Contra Costa Local Agency Formation Commissions (LAFCo) respectfully opposes **Assembly Bill 399**, which seeks to change the way detachment elections are conducted under provisions contained within the uncodified statutes of the County Water Authority Act of 1943 (CWAA). While **AB 399** appears at first glance to be defining an existing procedure, its effect will change the procedure in a way that conflicts with LAFCo law, while effectively minimizing local control and self-determination by disenfranchising those most affected by a potential detachment.

Currently, CWAA provides that the territory of a public agency that is contained within the boundary of a larger county water authority can be detached by a vote of those living within the boundary of the detaching public agency. This existing process is essentially consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) under which LAFCos operate.

AB 399 deviates by requiring a second election to be held in addition to the above election. However, this second election will be held among all of the voters within the territory of the larger county water authority, which is not consistent with existing CKH law.

Requiring an additional election from among the entire voting base within the larger county water authority boundary skews the LAFCo process by diminishing the voices of those within the area proposed for detachment who will directly feel the impacts. By doing so, the bill will, in effect, remove local control and self-determination because the voices of the residents within the detaching territory will be diluted among those of the entire water authority.

On its face, **AB 399** also appears to cast aside the “one person, one vote” doctrine by requiring the residents of the detaching districts to vote in two separate elections on the same issue. (Once as a resident within the boundary of the detaching public agency, and a second time as a resident within the boundary of the larger water authority). These dual elections can only result in confusion.

Finally, **AB 399** is being requested as an urgency statute to take effect immediately should it be passed. However, the urgency provision also poses a problem as its timing would affect ongoing LAFCo applications that were filed in good faith, and which have been proceeding for some time under existing laws.

Through the years, California has earned the laudable reputation of being a forward-looking state by implementing innovative, well-considered, and thoroughly vetted laws. Hastily amending little known and hard-to-find uncodified statutes, such as the CWAA, in ways that not only disenfranchise people but conflict with existing generally applied laws is not only problematic on many fronts but is also poor policy. Thus, while Contra Costa LAFCo appreciates and sympathizes with the gravity of the underlying issues driving **AB 399**, we must respectfully oppose it for all of the above reasons.

Please contact us if you have any questions.

Sincerely,

Federal Glover, Chair
Contra Costa LAFCo

cc: Members and Consultants, Senate Governance and Finance Committee
The Honorable Tasha Boerner, California State Assembly



Lou Ann Teixeira
Executive Officer

July 12, 2023

July 12, 2023
Agenda Item 9

Contra Costa Local Agency Formation Commission
40 Muir Road, 1st Floor
Martinez, CA 94553

Current and Potential LAFCO Applications

Dear Members of the Commission:

SUMMARY: This report identifies active and potential LAFCO applications and is an informational item.

DISCUSSION: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives LAFCOs regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving and disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and extension of out of agency services (OAS). Applications involving jurisdictional changes filed by landowners or registered voters are placed on the Commission’s agenda as information items before action is considered by LAFCO at a subsequent meeting (Gov. Code §56857).

There is currently one approved proposal awaiting completion, six current applications that are either incomplete and/or awaiting a hearing date, and several potential applications.

Current Proposals – Approved and Awaiting Completion

✚ Chang Property Reorganization (LAFCO 18-06)

Application filed by the landowner to annex 66.92± acres to City of San Ramon, Central Contra Costa Sanitary District and East Bay Municipal Utility District and detach from County Service Area P-6. The subject area is located at the intersection of Crow Canyon and Bollinger Canyon Roads in unincorporated San Ramon. The Commission approved the boundary reorganization in August 2017 with conditions. One of the conditions (i.e., open space easement) has not yet been met. The applicant requested and received several time extensions with the current extension to June 30, 2023 to complete the easement. On June 14, 2023, the Commission approved an extension of time to June 30, 2024.

Current Applications – Under Review

✚ Faria Southwest Hills – Boundary Reorganization (LAFCO 21-04)

Application filed by City of Pittsburg to annex 606± acres to City of Pittsburg, Contra Costa Water District and Delta Diablo, and detachment from CSA P-6. The project includes development of up to 1,500 residential units. The application is currently incomplete. On February 9, 2022, Contra Costa County Superior Court ruled that the City of Pittsburg violated CEQA. The Court issued a writ of mandate compelling the City to set aside the project approvals and the certification of the Final EIR, and that any further consideration of the project must comply with CEQA and be consistent with the Court’s ruling. On August 15, 2022, the Pittsburg City Council voted to repeal and set aside all approvals for the Faria/Southwest Hills Annexation Project.

On January 31, 2023, the City of Pittsburg published a Notice of a Public Hearing regarding the *Faria/Southwest Hills Annexation Project* and *Revised and Updated Final Environmental Impact Report*. LAFCO staff submitted a comment letter on February 14, 2023 reiterating our previous concerns about the project, including EIR deficiencies. The comment letter also noted staff's concerns that the "Revised and Updated EIR" was not recirculated under CEQA Guidelines section 15088.5.

On February 14, 2023, the City's Planning Commission held a public hearing on the project. The City's Planning Commission recommended against approving the project's proposed general plan and rezoning amendments, proposed master plan, and proposed development agreement.

On April 17, 2023, the Pittsburg City Council held a public hearing on the project and the City Council approved the project. On May 15, 2023, the developer resubmitted an updated application which LAFCO staff is processing.

✚ Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)

The landowner filed an application to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD). The project includes development of 125 single-family homes. The subject area is located east of the City of San Ramon and the Town of Danville. The application is currently incomplete. The project is currently in litigation. On June 29, 2023, the Contra Costa County Superior Court ruled the final EIR prepared for the project provided insufficient information and analysis about the project's water supply.

✚ LAFCO Tassajara Parks Project – SOI Amendments (LAFCO 16-07)

The landowner filed an application to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete. The project is currently in litigation.

Potential and Other Applications

On April 14, 2021, LAFCO approved the extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Mountain View. LAFCO's approval was conditioned on commitment from the City to annex the subject parcels to the City of Martinez by *August 31, 2022*, in the event the entirety of Mt. View is not annexed to the City prior to that date. On August 10, 2022, the Commission approved extending the deadline to August 31, 2023. The City is currently working on an application to LAFCO.

There are several potential applications that may be submitted to Contra Costa LAFCO in the near future including annexations to Byron Bethan Irrigation District and Central Contra Costa Sanitary District. Also, since completion of the 2021 *Park & Recreation Municipal Services Review*, the Commission discussed dissolving CSA R-9. The matter was continued to March 2024 to allow additional time for community input.

RECOMMENDATION – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
CURRENT APPLICATIONS – July 12, 2023**

File #	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
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	Application submitted in May 2016 by the landowner to annex 30+ acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amendment the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.
16-07	Tassajara Parks Project: proposed sphere of influence (SOI) expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.	Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.
21-05	Faria Southwest Hills Reorganization: proposed annexations to City of Pittsburg, CCWD and DD of 606+ acres located southwest of the City of Pittsburg	Application submitted in June 2021 by City of Pittsburg to annex 606+ acres to the City, Contra Costa Water District (CCWD) and Delta Diablo (DD) and detach from County Service Area (CSA) P-6 to support hillside estate development of up to 1,500 units.	Following litigation and approval of the project by the Pittsburg City Council on April 17, 2023, the application was resubmitted to LAFCO on May 15, 2023 and is currently under review.
21-17	Dissolution of County Service Area R-9	LAFCO initiated dissolution of CSA R-9	Pending update in March 2024



July 12, 2023
Agenda Item 10

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
June 28, 2023
9:00 a.m.

Board Conference Room
1200 Concord Avenue, Suite 350
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Public Comment (3 minutes/speaker).
3. Approve minutes from the May 24, 2023 meeting. (Action Item)

CLOSED SESSION

4. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6)

Agency designated representative:
Joe Wiley, CCCERA's Chief Negotiator

Unrepresented Employee: Chief Executive Officer

OPEN SESSION

5. Presentation from Brown Armstrong on the audit of the December 31, 2022 financial statements. (Presentation Item)
6. Consider and take possible action to retain Burgiss Caissa for performance analytics and risk measurement services: (Action Item)
 - a. Presentation from staff
 - b. Presentation from Burgiss Caissa

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

7. Presentation from Verus on capital market assumptions and asset class targets. (Presentation Item)
8. Presentation of Annual Funding Plan. (Presentation Item)
9. Retirement application processing update. (Presentation Item)
10. Pension administration system project update: (Presentation Item)
 - a. Update from staff
 - b. Presentation from Segal
 - c. Presentation from Sagitec
11. Presentation of 2022 CCCERA budget vs. actual expenses report. (Presentation Item)
12. Report from Audit Committee Chair on the June 14, 2023 Audit Committee meeting.
13. Consider authorizing the attendance of Board: (Action Item)
 - a. IDAC Global Summit, September 19-20, 2023, Chicago, IL.
 - b. 69th Annual Employee Benefits Conference, IFEBP, October 1-4, 2023, Boston, MA.
 - c. SCCE 22nd Annual Compliance & Ethics Institute, October 2-5, 2023, Chicago, IL & October 3-5, 2023, Virtual.
 - d. Annual Investment Summit, Torchlight Investors, October 10-11, 2023, New York, NY. (Note: Conflict with Board Meeting)
 - e. StepStone 360 Conference, October 18-19, 2023, New York, NY.
14. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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