

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

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

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

