



Lou Ann Teixeira
Executive Officer

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April 10, 2024 (Agenda)

**April 10, 2024
Agenda Item 9**

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

**Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO
Annexations to East Bay Municipal Utility District and West County Wastewater District
Castro Ranch Road – El Sobrante**

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district. Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines.

The CKH (Government Code §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction of such proposals to a commission other than the commission of the principal county. In order to transfer jurisdiction of a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures and State law.

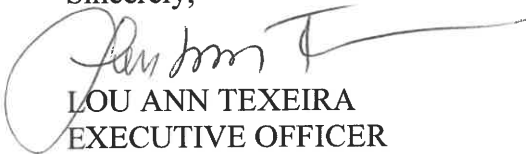
On March 28, 2024, Contra Costa LAFCO received an application to annex the subject property to the East Bay Municipal Utility District (EBMUD) and to West County Wastewater District (WCWD) in order to receive municipal water and sewer services. The subject property is within the EBMUD and WCWD spheres of influence (SOIs); and both districts have agreed to serve the property. The property (APN 432-040-004-9) is located in unincorporated El Sobrante, totals 97.62± acres, and is outside the Urban Limit Line. The applicant/landowner proposes to build one single family home and potentially small-scale farming (i.e., bees, chickens, goats).

In 2022, Contra Costa County Environmental Health (CCEH) performed a site evaluation of the subject property and determined that *most of the parcel appears to be too steep for a septic system under the County's current regulations*. CCEH has expressed no objection regarding the extension of municipal wastewater and water services to the subject property.

EBMUD is located within Alameda and Contra Costa counties. Alameda County has the largest portion of assessed value within EBMUD and is, therefore, the principal LAFCO. However, the proposed annexation to EBMUD affects land located in Contra Costa County. The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for this proposal to Contra Costa LAFCO is preferred given the subject property is located in Contra Costa County.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this boundary change application and authorize LAFCO staff to send a letter (Attachment 1) to Alameda LAFCO requesting a transfer of jurisdiction to Contra Costa LAFCO in conjunction with this proposal.

Sincerely,



LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO
Jack Flynn, Customer Services Manager, EBMUD
Armondo Hodge, Engineer III, WCWD
Edward Knapp, Landowner
Kristina Nelson



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April 10, 2024

Rachel Jones, Executive Officer
Alameda LAFCO
224 West Winton, Suite 110
Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received an application to annex property to East Bay Municipal Utility District (EBMUD) and West County Wastewater District (WCWD). The subject parcel (Assessor Parcel Number 432-040-004-9) is located on Castro Ranch Road in unincorporated El Sobrante. The parcel totals 97.62± acres. Municipal water and wastewater are needed to support a proposed single-family home and small-scale farming. Contra Costa County Environmental indicates that the topography in the area is likely too steep for on-site systems.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the proposed annexation to EBMUD. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on April 10, 2024 at which time the Commission agreed to assume exclusive jurisdiction for the proposed annexation subject to Alameda LAFCO’s approval of a transfer of jurisdiction.

Payment to Alameda LAFCO of \$300 for the transfer of jurisdiction is forthcoming. We respectfully request that this matter be placed on your next available LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

- c: Jack Flynn, Customer Services Manager, EBMUD
- Armondo Hodge, Engineer III, WCWD
- Ed Knapp, Landowner
- Kristina Nelson