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Monday, November 30, 2009



Danville, San Ramon discuss their Spheres of Influence

Tassajara Valley comes into play as New Farm developers make plans

by **Geoff Gillette**

As Contra Costa County officials look at preliminary plans for a large scale development in the Tassajara Valley, leaders from San Ramon and Danville met recently with District 3 County Supervisor Mary N. Piepho to discuss what they each believe should be the future of the land between the two jurisdictions.

At a Nov. 6 meeting, Danville Mayor Newell Arnerich and Town Manager Joe Calabrigo met with San Ramon Mayor H. Abram Wilson and Vice Mayor David Hudson to lay out what each municipality believes their sphere of influence should include and how that could affect the Tassajara Valley.

Supervisor Piepho said that the county is involved at two levels. First, the Board of Supervisors has approved a general plan amendment study in regards to the 771-acre New Farm proposal that has been discussed over the past few years. New Farm would reportedly be a mix of agricultural and residential development that would adhere to the low density requirements for properties outside the Urban Limit Line.

"We want to see the area preserved and protected as the rural environment that it is," said Piepho. "Large lots. If you look at an overview there's a lot of horse property out there."

Piepho said that the county is keeping a wary eye on encroaching development from Alameda County and officials are very interested in how development, if any, will occur in that area.

The other involvement by the county is through the Local Agency Formation Commission (LAFCO). LAFCO will be the arbiter in regards to how the Danville's and San Ramon's Spheres of Influence are decided. Both towns have asked that their SOI be expanded to include portions of the Tassajara Valley.

In order to get a read on where the towns stand, Piepho said the meeting was held for both towns to discuss the issue.

"It was just a first meeting," she explained. "We didn't expect any outcomes of it. The parties putting down what their jurisdiction's interests were."

Danville Town Manager Joe Calabrigo said that he was pleased with the session, and the opportunity to get to know more of where San Ramon stood on the issue.

"We sat there and sort of talked about each others' respective processes that are coming up with regard to general plan updates and the like," Calabrigo stated. "Everyone now understands fairly clearly what each other's positions are."

For Danville, the issue comes down to maintaining the Urban Limit Line and controlling growth and the attendant traffic it would generate coming up Camino Tassajara and into Danville.

"The position that our council has taken," Calabrigo said, "is they support the countywide urban limit line. At the same time, we're intrigued by the New Farm proposal because what we understand is they are looking at the existing general plan and types of uses that can occur out there."

He added that if the project could be achieved in the manner described, it could become an agricultural buffer between Danville and the suburbanized towns to the east.

San Ramon Vice Mayor David Hudson said he felt the meeting was a good one, as it allowed them the opportunity to set the record straight on what plans, if any, there are regarding that area.

"It was never our intention to change anything or build anything," he asserted. "It was just to connect the dots. You don't take a vote on an urban growth boundary if it's not in your SOI."

In 2010, San Ramon will be going to the voters to update its general plan, and current planning expands the growth boundary to the Tassajara Valley. Hudson said that their request for a change in the SOI is predicated on what the voters approved for the

general plan and what the city needs to have done in order to meet with the voters' wishes.

"The Sphere of Influence doesn't mean a thing," he stated. "Dougherty Valley is in our SOI and we haven't built a thing out there."

Hudson said that San Ramon has no connection with the New Farm proposal, and does not know if such a development would be given the green light were it within their sphere of influence.

"The city does not propose any development in the Tassajara Valley. We don't have anything in our general plan that says go out to Tassajara and build," he said. He added, "The city's Urban Limit Line is more restrictive than the county's."

Hudson said they are hopeful that a decision from LAFCO will resolve the SOI issue. If it doesn't? "We'll have to ask our voters if they want to accept a plan for an area not within our planning area."

No consensus was reached between the two municipalities with regards to spheres of influence, but Piepho said she felt the meeting was good and gave some hope of compromise.

"I think there's definitely room for middle ground," she said. "Danville is looking to protect its voters interests, as is San Ramon."

She agreed that the New Farm proposal did add to the discussion, but she felt that both towns were in agreement over the planned development.

Calabrigo said they will continue to meet and look to find some agreement over the issue.

"I don't know where it's going to go," he said. "If we go back and meet again, whether that's in December or January, I would anticipate it would be for the purpose of exploring any and all options."

Find this article at:

http://www.danvilleweekly.com/news/story.php?story_id=2461

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Thursday, December 3, 2009

Schroder joins Water Board

By

Staff Reporter
December 3, 2009

Martinez mayor Rob Schroder is the newest member of the [San Francisco Bay Regional Water Quality Control Board](#) [1] (Water Board).

Gov. Schwarzenegger's office announced the appointment of Schroder, 56, last week. Confirmation by the California Senate is expected in the next two weeks.

The Water Board is one of nine statewide agencies, under the umbrella of the California Environmental Protection Agency, focused on regional storm water issues, waste water treatment, wetlands protection, environmental education and justice and water quality monitoring.

According to the State Water Resources Control Board, the supervising agency of the state's nine Water Boards, "each regional board makes critical water quality

decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions."

Schroder said yesterday he was assuming a seat that has been vacant for a long time. Each of the nine Water Board seats is designated for a particular specialization and Schroder will serve as local government representative.

"I went through very detailed interviews with the Attorney General's office and the CA EPA under-secretary," explained Schroder, adding that he had also submitted letters of recommendation from Ted Radke of East Bay Regional Park District, the Western States Petroleum Association, Senator Mark DeSaulnier and the Contra Costa Council.

Member of the Board cannot earn more than 10 percent of their personal income from employment with a water permit holder. For example, a Contra Costa County Board of Supervisor would not be eligible, since the County is both a water permit holder and pays 100 percent of Supervisor salaries. The City of Martinez holds a water permit from the Water Board, but Schroder earns just \$584 each month from his seat on the City Council, he said, and 99 percent of his income is generated from his Walnut Creek insurance company, Schroder Insurance Services.

Besides being Mayor of Martinez and a member of the City Council, Schroder also sits on the Contra Costa Local Agency Formation Commission (LAFCO), is a member of the Bay Area Council Economic Institute, and is the director of the Contra Costa County Transit Authority.

The Water Board meets once a month in Oakland.

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Hercules, Pinole consider regional approach to wastewater treatment

By Tom Lochner
Contra Costa Times

Posted: 12/11/2009 08:42:04 PM PST

Updated: 12/14/2009 02:37:02 PM PST

As the deadlines loom for state-mandated upgrades to the joint Pinole/Hercules sewage treatment plant, Hercules has yet to decide whether to stick with Pinole or bolt to the West County Wastewater District, a costlier alternative that would require building a collection network to transfer the sewage to North Richmond.

Meanwhile, another idea emerged at a recent board meeting of the Pinole/Hercules Wastewater Joint Powers Agency: that Pinole and Hercules might take the lead in some kind of regional approach to sewage treatment, to include Rodeo and Crockett and the West County district; if the idea gains traction, the two cities would ask the Regional Water Quality Control Board to throw back the deadlines.

As in previous meetings this year, last month's meeting began with assurances by Pinole that the plant, at the foot of Tennent Avenue in Pinole, could accommodate Hercules' needs well into the future.

Although permitted for a flow rate of 4.06 million gallons a day, the plant has a de facto capacity of 3.52 MGD and an existing flow of 3.2 MGD, Pinole Public Works Director Dean Allison told the board. The "excess" of 320,000 gallons a day could accommodate about 2,133 additional dwelling

units, Allison said.

Hercules expects its population, currently about 24,500, to grow to almost 34,000 by 2030. Pinole, by contrast, is virtually fully built out. Hercules would produce about 640,000 more gallons of sewage a day by 2030, Allison projected.

"We can give you half of what you need in 2030 right now," Allison said.

An environmental impact report commissioned by both cities that is in progress envisions upgrades to the plant that would cost about \$41 million to be split equally between the two cities.

Hercules is simultaneously looking into an arrangement with West County Wastewater; such a deal would cost Hercules either about \$59 million or \$73 million, according to different estimates. Pinole still would need to make some upgrades, albeit less extensive ones, to the existing plant by itself. Potential costs of that scenario will be discussed at the next Joint Powers Agency meeting in January.

The costs of a Hercules move to West County would entail \$14 million or \$19 million in buy-in costs, according to different estimates. But Hercules is looking to reduce that amount, perhaps to nil.

"We have told West County there's a benefit to higher flow," Hercules City Manager Nelson Oliva said. "They should waive buy-in costs."

West County Wastewater supplies the Chevron refinery in Richmond with water for cooling, Pinole City Manager Belinda Espinosa noted.

Pinole, which has conducted its own exploratory

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talks with West County Wastewater, and Hercules have differing assumptions about the legal nature of an arrangement with West County as well as what West County would charge.

Oliva said he would want Hercules to be annexed to the West County district. Allison said West County had told Pinole, "We're not interested in annexing you." West County would send Pinole a bill and would charge commercial-industrial rates that would amount to \$2 million or more a year, Allison said; Pinole has 6,300 ratepayers, the vast majority residential.

Hercules sewer service charge for single-family homes is \$40 a month; Pinole's, \$42.51 a month. West County charges only \$226 a year, or \$18.83 a month.

"Our discussion has been that our ratepayers would pay the same as theirs (West County's)," Oliva said.

West County Wastewater District General Manager E. J. Shalaby said Friday that his board has not discussed the legal structure of any service arrangements with the cities.

Said Espinosa, "It's time for Pinole, Hercules and West County Wastewater to be in the room and hear the same thing at the same time."

"The crucial part is the deadline," she added. "We have that 2015 deadline (to complete construction)."

"We may not have time to go the regional route."

Pinole City Councilman Pete Murray proposed, "Can we ask the Regional Water Quality Control Board to extend the deadline, so we can pull in an entire region?"

Rodeo Sanitary District Engineer-Manager Steve Beall and Crockett Community Services District General manager Kent Peterson said Friday that they had not yet heard of the recent proposal for a regional arrangement.

Reach Tom Lochner at 510-262-2760.

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East Bay leaf farm owners face obstacles

By Rick Radin
Contra Costa Times

Posted: 12/21/2009 03:14:06 PM PST

Updated: 12/22/2009 07:25:47 AM PST

The Orinda-based owners of a spice company overlooked a key regulating agency in planning a new home and a business expansion that has endangered their \$3.2 million investment.

Paul and Tamara Attard operate the Bayseng Spice Company that grows, harvests and processes bay leaves in Solano, Lake and Napa counties. Tamara Attard and her brothers, Jim and Mike Lewis, have owned the business since 1978. They also harvest the leaves on a 14-acre parcel on Fish Ranch Road above the east entrance to the Caldecott Tunnel.

Bayseng paid \$800,000 in 2005 to help Caltrans upgrade a 1934 sewer system in return for the right to use the system for a house and a 3,000 square-foot-processing building. The Caltrans sewer empties into the East Bay Municipal Utility District's wastewater system.

Also, in 2005, Bayseng received a building permit from Contra Costa for the house and the building, Tamara Attard said. The site isn't served by the Central Contra Costa Sanitary District, so a sewer hookup within the county was not possible.

All went smoothly until late last year, when Contra Costa suspended the building permit for the house because it lacked a county health department approval, said county planner Bob Drake. The

processing building is about 90 percent complete, but Bayseng still needs a sewer hookup to provide employee restrooms.

The sewer line also drew in the Contra Costa Local Agency Formation Commission, a semi-local body that regulates boundary issues among governments and communities.

Under the law, neither a water nor a sewer line can flow from one governmental jurisdiction to another, said Lou Ann Texeira, the commission's executive officer. The only exceptions are if the line is installed for a temporary emergency, such as the failure of a septic system, or if the area is about to be annexed by the neighboring jurisdiction.

Bayseng's situation fits neither category, Texeira said.

"I don't know how we could approve this sewer arrangement," she said. "We don't have jurisdiction in Oakland and they couldn't serve a parcel in Contra Costa. It doesn't appear that this is allowed under the government code."

The Attards and the Contra Costa planning department disagree over whether the permits were approved and who approved them.

The Attards say they were told the department had no record of the sewer line approval. They also were unaware of the rules Texeira cited.

Approval of the sewer connection could create a precedent that would allow other property owners to seek access for homes and businesses in the designated agricultural open space above the Caldecott, Drake said.

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Besides the sewer line, the company has invested \$900,000 in the house, which remains unfinished, and \$1.5 million in the processing building.

"We would have huge problems if this project was stopped," said Paul Attard. "We had no idea of the LAFCO rules, didn't know what LAFCO is." The Attards do have a deal with Caltrans to use its sewer line in the tunnel, but the agency has no knowledge of permit problems with the county, said Allyn Ansk, a Caltrans public information officer.

A retired Caltrans engineer said he walked the sewer line with Contra Costa, Alameda County and Oakland planning officials in 2005 and they agreed it was legal.

"A lot of people looked at it, and they were fine with it," said Raymond Nailhot, a former Caltrans superintendent. "I met with the Contra Costa people more than once."

The 8-inch sewer line is large enough to serve other property owners besides Bayseng, Nailhot said. Caltrans uses the line for a restroom in a tunnel office.

The Attards have appealed the suspension to the board of supervisors. The board will hear the case in January, said Luis Quinonez, chief of staff for board Chairwoman Susan Bonilla. The planning department has refused further comment until the hearing.

They will probably need separate clearances from the supervisors and Local Agency panel, said David Piepho, one of its seven Contra Costa commissioners.

"I'm not big on grandfathering people in," Piepho

said. "First thing people do when they want to develop in an area that's off-limits is cite another example of where it has been allowed."

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Thursday, December 24, 2009

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Imperial County commission secedes from state, votes to have better representation

By ELIZABETH VARIN, Staff Writer

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Thursday, December 24, 2009 1:52 AM PST

The group that oversees planning and growth of cities and special districts in Imperial County will no longer be a part of the California commission.

Instead, the Local Agency Formation Commission voted to help form a Southern California commission, which is expected to be formed by June, according to the minutes of the Dec. 17 meeting.

"We think that we can get better representation from the southern region of California versus connecting ourselves at a statewide basis," said county Supervisor Mike Kelley. "I think other counties that have left the state have been doing that."

Kelley said the change may increase the success of the commission.

The California commission assists members of local commissions with educational and technical resources, according to the commission's Web site. It also coordinates activities and information with the local commissions and is a resource to legislators.

It was a unanimous vote at the commission meeting Dec. 17, said Supervisor Wally Leimgruber.

"The question became how would our interests be represented when water issues in Southern California are different than Northern California," he said.

Southern California has little representation in the state commission, with no one from Imperial County, he said. It will be better for the area to stay in the southern region.

"It's basically a funding issue," he said.

Instead of paying an agency that may not represent Imperial County to the fullest, it will be putting its dues toward the Southern California commission.

The local commission has the power to review, approve or deny boundary changes, city annexations, consolidations, special districts formation and city incorporations to establish a local overseeing group, according to the Imperial County LAFCO Web site. It looks at future boundaries and services areas.

Jurg Heuberger, county LAFCO executive director, was unavailable for comment by press time.

>> Staff Writer Elizabeth Varin can be reached at evarin@ivpressonline.com or 760-337-3441.

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Friday, January 1, 2010

CONTRA COSTA TIMES

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Orinda group says less expensive fire service is possible

By Jonathan Morales

Posted: 01/01/2010 08:10:12 PM PST

ORINDA — A group of residents says the city could save millions by breaking away from the Moraga-Orinda Fire District and contracting with the Contra Costa Fire District.

Doing so, they argue, potentially could net the city \$65 million over 12 years, which could be used to pay for road, storm drain and water pipe repairs.

The group, Fire and Infrastructure Renewal, or FAIR, plans to present its findings to City Council members Tuesday and encourage them to study the issue further.

The savings come from reallocating property tax dollars from the Moraga-Orinda Fire District to the city of Orinda, which then could obtain the same level of fire service for less money with the county department, according to FAIR's report.

The numbers are not exact, said Steve Cohn, one of FAIR's leaders, but they are the best estimates based on discussions with those involved, including representatives from the county, the firefighters' union, the Local Agency Formation Commission and American Medical Response, which would provide ambulance service under the FAIR proposal.

Projected revenues are based on the group's estimate of property tax base growth.

The group's goal, Cohn said, is to show the potential for savings too large for the City Council to ignore.

"We've taken it about as far as we can take it, actually," he said. "Our opinion is the city should have been snooping this out a long time ago. It's a lot of money."

The group has not yet met with Moraga-Orinda Fire District officials. The reason for that depends on whom you ask.

Fire board Vice President John Wyro said he is not aware of anyone with the district who was asked for input on the proposal.

Cohn said he and others have tried to engage the district but have been rebuffed.

Members of FAIR plan to meet Monday with fire Chief Randy Bradley, who said he is looking forward to the meeting but is skeptical of some of the assumptions the group has made about the cost of fire service.

"I've put (together) proposals for consolidations in the past, and there's a lot of unknowns that have to be clarified before you start throwing numbers around," he said.

The Moraga-Orinda district receives about 23 percent of Orinda's property tax dollars and about 19 percent of Moraga's, both among the highest percentages in the county, where the average of 12 percent.

FAIR members point to those numbers and a report prepared last year for LAFCO, which says per resident the district spends for fire service nearly three times what the county department does, as a rationale for studying the efficiency of the Moraga-Orinda district and considering alternatives.

In a March letter responding to the LAFCO report, then-fire Chief Pete Nowicki said using per-resident costs to evaluate the district was "meaningless" and that other factors, such as the size of the district and its low population density, also must be considered.

In April, an Orinda City Council subcommittee that explored the issue concluded that funding levels between Orinda and Moraga are fair given the level of service provided to each city. Reallocating tax dollars, it said, was not feasible.

LAFCO would have to approve any application to detach from the Moraga-Orinda district, said LAFCO Executive Director Lou Ann Texeira. An application could come from the city, through a petition from residents or from the district itself.

However, she said, "Typically, LAFCO won't (approve) a boundary change if it's going to result in a lower level of service."

Were Orinda to assume responsibility for its fire service and then contract with the county, it is possible that all of the property tax dollars currently sent to the fire district would be redirected to the city, according to Bob Campbell, chief accountant in the Contra Costa County Auditor-Controller's office. But the exact amount remitted would have to be worked out by officials from Moraga and Orinda, the fire district, the county and LAFCO, he said.

If you go

- What: Orinda City Council meeting
- When: 7 p.m. Tuesday
- Where: Library auditorium, 26 Orinda Way, Orinda