

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 8, 2014
Agenda Item 7

October 8, 2014 (Agenda)

LAFCO 14-02 Subdivision 9329, Detachment of Frontage – Town of Danville (2500 Blackhawk Road)

PROPONENT Blackhawk Meadows, LLC (landowner petition)

ACREAGE & LOCATION 0.09± acre located along the northern boundary of 2500 Blackhawk Road (Attachment 1)

PURPOSE To facilitate alignment of the property line of 2500 Blackhawk Road

SYNOPSIS

The area proposed for detachment is an unimproved strip of land as described above. Detachment of the area is a condition of the Town's approval of Subdivision 9329. The detachment will result in alignment of the property line of 2500 Blackhawk Road, and allow for future widening of Blackhawk Road, if needed. The detached area will be improved with a sidewalk and landscaping by the property owner. The subject property is within the voter-approved Urban Limit Line.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed boundary change as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency

LAFCO is charged with both regulatory and planning functions. Boundary changes are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve a boundary change, it must be consistent with the jurisdiction's adopted SOI.

On September 10, 2014, the Commission approved removal of the 0.09± acre strip from the Town of Danville's SOI. The proposed detachment of the strip is consistent with the Town's SOI per the Commission's recent action.

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

The subject area is currently an unimproved frontage facing Blackhawk Road. The Town has designated the area for single family residential development (R-20). The County's land use designation for the area is Planned Unit (P-1).

Surrounding land uses include low density single family residential to the east and north, and low density single family residential and undeveloped/general open space to the west and south. The current and proposed uses are consistent with the Town and County's land use designations. No changes in land uses are proposed. The proposed detachment has no effect on agricultural or Williamson Act land.

4. Topography, Natural Features and Drainage Basins

The subject area and surrounding areas are flat with no significant natural features.

5. Population

The proposed detachment will have no impact to population.

6. Fair Share of Regional Housing

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs. The proposed detachment will have no impact to regional housing needs.

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

As noted above, the property owner will install sidewalks and landscaping within the subject area. The property owner and future owners will be responsible for maintaining the sidewalk and landscaping.

8. Timely Availability of Water and Related Issues

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. The proposed detachment will not result in or facilitate an increase in water usage.

9. Assessed Value, Tax Rate Areas and Indebtedness

The subject area is within tax rate area 16002. The total assessed value for the subject property is zero. The territory being detached shall be liable for all authorized or existing taxes comparable to properties presently within the County, if applicable.

10. Property Tax Exchange

Revenue and Taxation Code §99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change. Given there is no assessed value associated with the subject area, a property tax exchange is not needed.

11. Environmental Impact of the Proposal

The Town of Danville, as Lead Agency, has determined that the SOI amendment and corresponding detachment are exempt from the California Environmental Quality Act

(CEQA) pursuant to Section 15061(b)(3) as it can be seen with certainty that the LAFCO action would have no potential for causing a significant effect on the environment.

12. Landowner Consent and Consent by Affected Local Agencies

According to County Elections, there are no registered voters in the area proposed for detachment; thus, the area is considered uninhabited.

The applicant reports that 100% of the affected landowners consent to the detachment; and no subject agency has submitted written opposition to a waiver of protest proceedings. Thus, if the Commission approves the detachment, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the October 8 hearing.

13. Boundaries and Lines of Assessment:

The subject area is contiguous to the existing County boundary. A map and legal description to implement the proposed boundary change have been received and are subject to approval by the County Surveyor.

14. Environmental Justice

One of the factors LAFCO must consider in its review of an application is the extent to which the 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 detachment is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

15. Disadvantaged Communities

In accordance with recent legislation (SB 244), 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 boundary changes must take into account DUCs; and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County, the subject area does not meet the criteria of a DUC.

16. Comments from Affected Agencies/Other Interested Parties

No comments have been received to date.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 Approve the detachment.

- A. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
- B. Adopt this report, approve LAFCO Resolution No. 14-02 (Attachment 2), and approve the proposal, to be known as Subdivision 9329, Detachment of Frontage Town of Danville (2500 Blackhawk Road):
 1. The territory being detached shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the County, if applicable.
 2. The applicant has delivered an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the detachment.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

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 detachment as proposed.

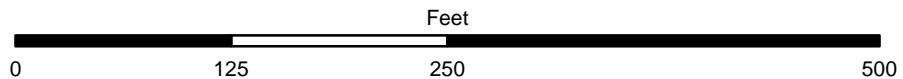
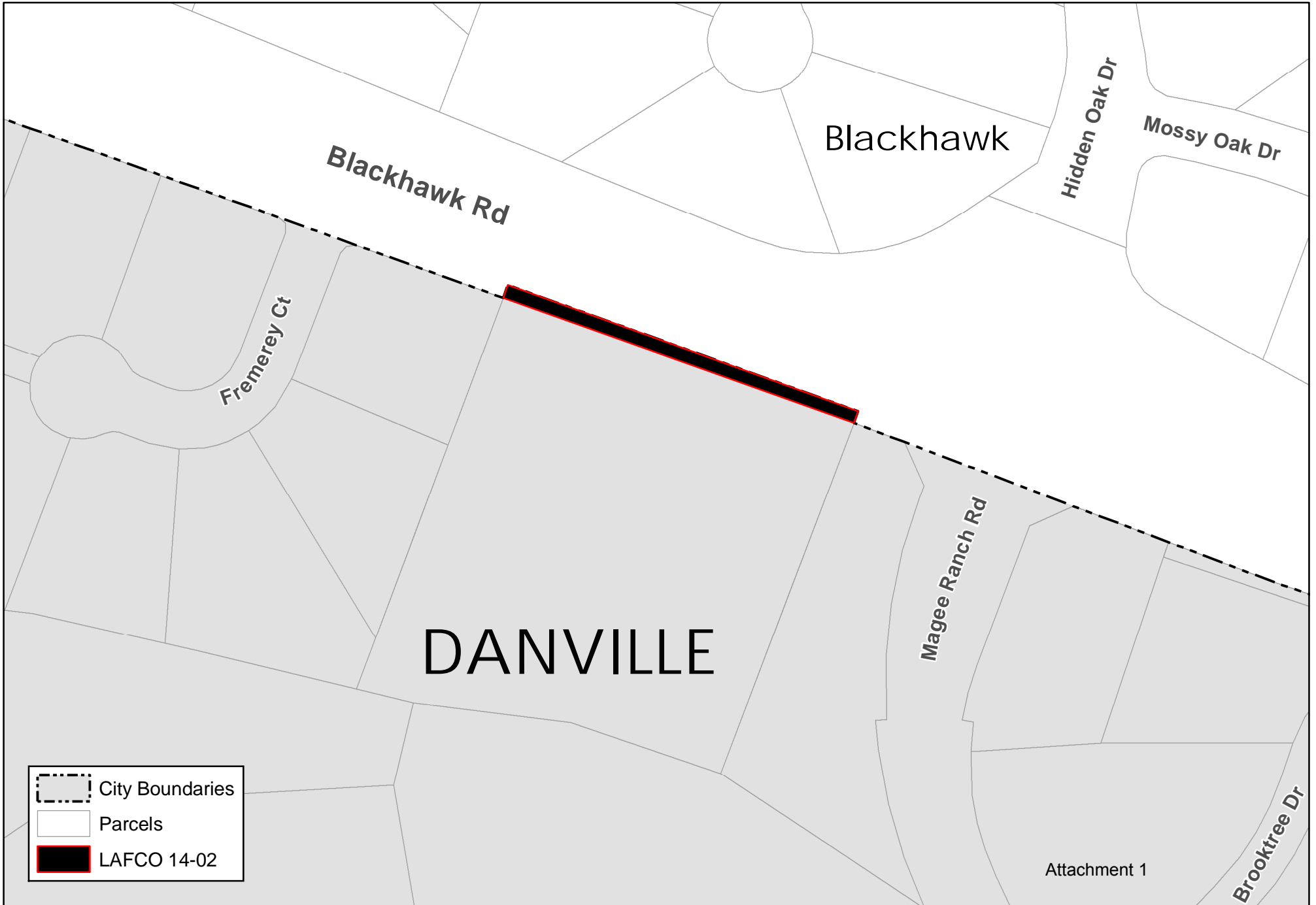
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

Attachments

1. Map of Area Proposed for Detachment
2. Draft LAFCO Resolution Approving Detachment

LAFCO No. 14-02: Subdivision 9329, 2500 Blackhawk Road Detachment of Frontage from Town of Danville



RESOLUTION NO. 14-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
SUBDIVISION 9329 - DETACHMENT OF FRONTAGE
FROM THE TOWN OF DANVILLE**

WHEREAS, the *Subdivision 9329 - Detachment of Frontage from the Town of Danville* proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the detachment proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the detachment proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, the Local Agency Formation Commission determines the detachment proposal to be in the best interests 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 finds that the proposal is exempt from environmental review pursuant to CEQA Guidelines, Section 15061(b)(3).
2. Said detachment is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

**SUBDIVISION 9329 DETACHMENT OF FRONTAGE FROM THE TOWN OF
DANVILLE**

4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the County, if applicable.
6. The applicant has delivered an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the detachment.

Contra Costa LAFCO
Resolution No. 14-02

7. The territory proposed for detachment is uninhabited.
8. The proposal has 100% landowner consent, no subject agency has submitted written opposition to a waiver of the protest proceeding, and the protest proceedings are hereby waived.
9. All subsequent proceedings in connection with the 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 8th day of October 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, INTERIM 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: October 8, 2014

Lou Ann Texeira, Executive Officer