

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

January 13, 2016

February 10, 2016
Agenda Item 6

Board of Supervisors Chambers
Martinez, CA

1. Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Don Tatzin.

County Members Federal Glover and Alternate Candace Andersen.

Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.

Public Member Don Blubaugh.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Blubaugh, second by Andersen, Commissioners, by a vote of 6-0, adopted the agenda.

AYES: Andersen (A), Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

5. Selection of Officers

Upon motion of Andersen, second by Blubaugh, selection of a new chair and new vice chair was deferred to the February meeting, due to the absence of current Vice Chair Piepho.

AYES: Andersen (A), Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

6. Public Comments

County Agricultural Commissioner Chad Godoy presented the newly released "Economic Contributions of Contra Costa County Agriculture" report. This new report quantifies agriculture's total economic contribution through food production, local food processing, employment, and economic "multiplier effects," providing substantial support for decisions to protect agricultural lands. Commissioner McGill praised the report, noting that EC² also focuses on the economic value of agriculture.

7. Approval of December 9, 2015 Meeting Minutes

Upon motion of McGill, second by Skaredoff, the minutes were approved by a vote of 6-0.

AYES: Andersen (A), Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

DRAFT

8. Informational Presentation – Contra Costa County Environmental Health Department

Chair Schroder introduced Marilyn Underwood, Ph.D., REHS, Director of the County Environmental Health Department. Prior to joining the County in March 2011, Dr. Underwood worked for 19 years for the California Department of Public Health. Dr. Underwood received her BS in Chemistry at Marietta College and a Ph.D. in Comparative Pharmacology and Toxicology at the University of California at San Francisco. Dr. Underwood then introduced her staff in attendance – Jocelyn Habal and Kristian Lucas.

Contra Costa Environmental Health provides a variety of health and safety services ranging from regulating body artists and inspecting restaurants to regulating septic tanks and monitoring small water systems. The presentation focused on the department’s work to protect the County’s natural resources and keep its community safe, both in terms of consumer protection (small water systems) and environmental protection (well and soil boring/ construction/ destruction and on-site wastewater treatment system construction).

Dr. Underwood stressed that they want people to connect to sewer where possible. For locations where sewer connection is not possible, the design of the septic system (on-site wastewater treatment system, or OWTS) needs to ensure the effluent is clean before it moves into groundwater or surface water, and there must be separation from water wells. Environmental Health oversees all aspects of OWTS installation and operation.

Environmental Health also oversees water wells, ensuring that they are properly constructed, altered, maintained, and—if inactive—destroyed. Water well applications have decreased after a peak in 2014 (perhaps related to the drought).

Environmental Health also serves as the local oversight agency for the State for federally defined small water systems (15-199 connections) and state small water systems in the county (5-14 connections), as well as county-defined small water systems of 2-4 connections). Dr. Underwood provided an overview of the public water systems in the County, with 9 large systems serving approximately 99.54% of the population, and 72 small water systems serving about 0.46%.

During the drought, Environmental Health has provided technical assistance to small water systems and private well owners, surveyed water quantity issues on the part of the state, participated in discussions about state identified priority water basins, and could, if needed, require hydrology studies before approving a well or subdivision. Dr. Underwood highlighted three areas with water supply concerns, including an area near Tassajara Valley, an area near Antioch and Brentwood, and an area east of Martinez.

In response to a question from Commissioner Skaredoff, Dr. Underwood said that she will research whether recharging sources have been identified for the groundwater basins in this county, the effect of groundwater regulations, and whether saltwater intrusion is an issue, particularly in the East Bay Municipal Utility District basin.

In response to a question, Dr. Underwood stated that she does not expect any state-ordered water system consolidations in Contra Costa County as a result of SB 88. There are only two small systems that are “on watch.”

Commissioners thanked Dr. Underwood for an informative presentation.

9. LAFCO 15-02 – West County Wastewater District Annexation No. 314 (Park Avenue)

The Executive Officer introduced this proposal to annex 10 properties in unincorporated Richmond to West County Wastewater District (WCWD). The area is within the District’s SOI, within the City of Richmond’s SOI, and outside the ULL, in one of a number of islands created by the ULL (62 acres). The area is also located in a septic tank moratorium area, as designated by

the County, due to poor soil conditions, proximity to a creek and other environmental conditions as described in the staff report. Contra Costa Environmental Health (EH) encourages connection to municipal sewer when available. EH supports annexation of these properties to WCWD. The District indicates it is able and willing to serve the properties.

Challenges to this annexation include: provision of urban services to areas outside the ULL are discouraged, especially if they are growth inducing; and one parcel in the area is being excluded due to lack of response from the landowner.

Commissioner Glover noted that, when they established the ULL, they knew that there would be situations like this, and he felt it was only logical to provide services. Following further Commissioner discussion, Chair Schroder opened the public hearing.

Laura Craft, one of the landowners, thanked the staff and pointed out the environmental benefits of connecting these homes to municipal sewer, as the properties are on the edge of Wildcat Creek. She also explained the process all of the petitioning landowners had gone through to bring this proposal to WCWD, including development of a financing structure with the District.

John Bry, landowner, presented his account of trying to upgrade his septic system and discovering there was no other area on his property that would work for replacing his failing system. He is concerned for his health, and believes this annexation is the best option.

John Jordan, landowner, concurred with Ms. Craft and Mr. Bry.

Ken Deibert, representing WCWD, stated that the District fully supports this annexation.

Commissioners provided further input, commending the neighbors on pulling together to develop a solution. Upon motion of Andersen, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, determined that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3); approved the proposal to be known as West County Wastewater District Annexation No. 314, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is inhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding..

AYES: Andersen (A), Blubaugh, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Piepho (M)
ABSTAIN: none

10. Agriculture & Open Space Preservation Policy

Commissioner Tatzin introduced the changes in application questionnaires proposed by the Policies and Procedures Committee, as directed by the Commission in November. Two applications, one for Sphere of Influence Amendments, and one for Annexations, Detachments, and Reorganizations, have been modified to include an agricultural/open space impact assessment.

Commissioner Tatzin indicated that if the Commissioners are comfortable with the proposed changes, the Policies and Procedures Committee will use them as a basis for developing a policy to complement the revised applications, and noted that LAFCO has broad discretion to approve, approve with conditions, or deny applications.

The LAFCO Executive Officer expressed her support of the changes and their adherence to LAFCO law. Commissioners expressed kudos for the good work done by the committee; appreciation that LAFCO is not adding another layer to what is already required of applicants;

and that there is a clear process with appropriate balance between applicants' needs and LAFCO's requirements.

Commissioner McGill noted that agencies' general plans are always subject to local conditions (e.g., existing city limits, ULLs) and that LAFCO will need to look at applications individually in order to assess the needs and the impact as presented in the documents.

Chair Schroder opened the floor for public comment.

Linus Eukel, representing John Muir Land Trust (JMLT), stated that his organization supports and appreciates the application enhancements and revisions, and would ultimately like to see mitigation measures reiterated in reference to loss of open space and agricultural land. JMLT thinks a natural next step would be for LAFCO to adopt a policy uniquely suited to Contra Costa County and would look forward to contributing to that process over time.

Joel Devalcourt, with Greenbelt Alliance, stated his support for these changes as a good first step in the right direction, and looks forward to continued discussion.

Juan Pablo Galvan, representing Save Mount Diablo (SMD), also indicated his organization's support for this first step, which relates to work SMD is doing on transportation funding and other similar projects, and commended the committee and staff.

Lisa Vorderbrueggen, representing the Building Industry Association (BIA), stated that most of their members were okay with the questionnaires as presented, particularly as they refer to agricultural lands; they have some concern with inclusion of "open space," and want to make sure that any lands referenced under GC §65560 are clearly defined. She urged coupling the questionnaires to a policy statement that appropriately places agriculture as one of the many competing interests that LAFCO must assess. She presented a new chart demonstrating that housing is falling substantially further behind job growth, and stressed that the BIA supports building housing where people want to live.

Discussion ensued regarding the definition of open space, the history of the ULL, and the history of development *within* the ULL (facing public resistance), with a key consideration being balance among the various demands placed on land use.

Commissioner Glover reminded everyone that the ULL was established with a five-year review, and 2016 is the year for that review. Commissioner Andersen added that this review will go well into the fall before a report will be issued.

Chad Godoy, County Agricultural Commissioner, stressed that often the agricultural community hears "parks" and "no ag" when they hear "open space." Definitions of open space and agricultural land are crucial. Contra Costa County only has 30,000 acres of productive agricultural land left, and it will be difficult to maintain that balance between preservation and development in the future.

Kathryn Lyddan, Brentwood Agricultural Land Trust (BALT), thanked the Commissioners for considering the economic as well as physical integrity of the County's agricultural land in the questionnaire. Both require a critical mass for success, and without that important infrastructure is lost and the land shrinks beyond farm-able. Federal and state laws protect habitat lands, requiring mitigation for any loss, but agriculture has to rely on local laws and regulations for protection. She looks forward to further work on this.

Casey McCann, City of Brentwood, confirmed that the City does support this effort to take a hard look at agricultural and open space preservation policies. The City recently adopted its general plan and is trying to weigh multiple factors; it started as an agricultural town and is evolving into a suburban bedroom community. How can they incorporate ongoing urban

development in accordance with the general plan, and still preserve agricultural land? They are working on a master plan that will identify growth areas and along with policies, specific objectives, and standards. Their intent is to control the growth and achieve a balance between residences and jobs—and agriculture—in Brentwood so that it remains financially stable into the future.

Commissioners expressed appreciation for the City of Brentwood's thoughtful approach; Commissioner Andersen noted the importance of receiving City feedback; Commissioner McGill noted that EC² has identified agriculture as one of the job creators in East Contra Costa County, and it will need to remain viable in order to continue contributing to the economic health of the County. Commissioner Tatzin acknowledged that most of the County's development occurred on prime ag land in the past, but going forward there is relatively little prime ag land within the ULL or even with SOIs that is undeveloped.

Commissioner Tatzin has found these comments very helpful, and suggested that the Commissioners ask the committee to use the revised questionnaires, with whatever amendments they want, to write a policy focusing on the impact assessment questions—one that describes open space and ag land and the criteria addressing housing and job concerns. He added that, while LAFCO is interested in, and considers, the ULL, it is not bound by it. The best forum for the ULL discussion to occur is with the County Board of Supervisors and CCTA.

John Viano, fourth-generation farmer in the County, applauds the guidelines and echoes the comments of others, but he also wants to see protection for landowners to be able to convert their land from farming to other uses in the future. He would welcome inclusion of farmers, through the Farm Bureau, in the discussion going forward.

Chair Schroder closed the public comment period.

Commissioner Tatzin suggested that the Commission ask the Policies and Procedures Committee to draft a policy based on the revised questionnaire and take it to the stakeholder groups that it had spoken with previously (i.e., Public Managers Association, CCTA, Planning Directors, Contra Costa Special Districts Association). No vote was taken but, by consensus, it was agreed that the proposed changes to the LAFCO applications and procedures are acceptable as well as the next steps as outlined by Commissioner Tatzin.

11. Broadband and LAFCO

Commissioner Tatzin reported that the Policies and Procedures Committee has, in thinking about how LAFCO could participate in generating information and helping to create interest in broadband service, drafted a resolution, and suggested a couple of components in the MSR procedures that would ask cities and community service districts to discuss broadband as part of that process.

Chair Schroder opened the meeting to public comment.

Linda Best, representing East Bay Broadband Consortium, commended the committee and staff for their recommendations, which she believes are excellent; she encourages the Commissioners' support.

Commissioner McGill noted that when this issue was brought to the Planning Directors group, they didn't rally much.

Questions from the Commissioners included: What is needed to move this forward? Do the elected officials need to tell staff this is important? Is public education necessary? What role can the County play?

Ms. Best agrees that constant education is necessary, as well as assessing what cities need in order to provide accessible broadband service for all. A coordinated effort, with strong leadership, is essential.

John Kopchik, Director, County Department of Conservation and Development, agreed that Linda Best makes a compelling case for the importance of accessible broadband service. He also agrees that it must be done countywide.

Further discussion ensued regarding how LAFCO can assist the County in this effort. It is a prime discussion item in the transportation discussions; it can't be done by the County alone, but the County can be a leader in helping to make this happen. It was suggested that the discussion be taken to the Mayors Conference, and that it might be placed on the agenda for the Board of Supervisors' upcoming retreat.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, adopted Resolution 2016-01 declaring support for broadband deployment and adoption and a call for action, and proposed changes to LAFCO's MSR policies.

AYES: Andersen (A), Blubaugh, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Piepho (M)
ABSTAIN: none

12. Second Quarter FY 2015-16 Budget Report

The Executive Officer reported that expenditures to date for the first half of this fiscal year are approximately 33% of total appropriations. Total revenues received to date include 100% of local agency contributions; all agencies have paid their prorated contributions to the LAFCO budget. Application revenue is currently at 46% of the budgeted amount, with activity slightly better than last year; one new application has been received, compared to zero applications last year at this time.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 7-0 vote, received the FY 2015-16 second quarter fiscal report.

AYES: Andersen (A), Blubaugh, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Piepho (M)
ABSTAIN: none

13. Executive Officer Performance Review and Compensation

Chair Schroder reported that following the December 9, 2015 closed session regarding compensation for the LAFCO Executive Officer, he had provided the EO with the positive feedback from their annual review, and recommended a 1.5% increase to the EO's base salary.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously, by a 7-0 vote, approved the 1.5% increase to the Executive Officer's base salary, effective January 1, 2015.

AYES: Andersen (A), Blubaugh, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Piepho (M)
ABSTAIN: none

14. Correspondence from CCCERA

There were no comments on this item.

15. Commissioner Comments and Announcements

Commissioner McGill reported that he will attend the CALAFCO Legislative Committee on January 22nd in San Diego, and the CALAFCO Board meeting in Irvine on February 5th.

Commissioner Skaredoff reported that he will attend the Governor's "California Water 101" update on managing water in California.

Chair Schroder congratulated Commissioner Skaredoff on recently receiving a Watershed Leadership Award at the 2015 Fifth Quadrennial Contra Costa County Creek and Watershed Symposium.

16. Staff Announcements

The Executive Officer reported that planning is under way for the 2016 CALAFCO Staff Workshop, which will be held in Universal City at the end of March, and that Kate Sibley is representing Contra Costa LAFCO on the programming committee.

Also, the first face-to-face CALAFCO Legislative Committee of the new legislative year was held on December 11th in Sacramento; they reviewed the CALAFCO legislative policy and proposed minor adjustments to be presented to the CALAFCO Board on Feb 5th. Once they're adopted there those changes will be brought to this LAFCO for updating its own policy. The Executive Officer provided a brief overview of seven legislative priorities that were included for this year's legislative platform.

The meeting adjourned at 3:44 p.m.

Final Minutes Approved by the Commission February 10, 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer