

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 18, 2018 (Agenda)

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Agenda Item 8

LAFCO 17-14 **Delta Diablo (DD) Sphere of Influence (SOI) Amendment – Bay Point Regional Shoreline**

APPLICANT East Bay Regional Park District (EBRPD)

ACREAGE & LOCATION The proposed SOI expansion totals 2.74± acres and includes a portion of the Bay Point Regional Shoreline (BPRS) 69-acre parcel located at the end of McAvoy Road in unincorporated Bay Point. The subject property includes a 2.58± acre portion of EBRPD's parcel (APN 098-020-021) and a 0.16± acre portion of Contra Costa Water District's (CCWD) parcel (APN 098-020-002) in order to avoid a gap in DD's service boundary and SOI. EBRPD has also submitted a corresponding application to annex the subject areas to DD. The subject area is located outside the voter approved urban limit line (ULL). Typically, LAFCO discourages annexation of partial parcels; however, given this area is outside the ULL and used for park and recreational uses, it is desirable to include only a portion of the 69-acre parcel in the annexation to DD.

PURPOSE The purpose of the proposal is to upgrade the existing vault toilet restroom and allow for a flush toilet restroom at the BPRS staging area. Installing a sewer line to the new restroom would require connection to a DD pipeline.

BACKGROUND In 2001, the EBRPD prepared a Land Use Plan (LUP) for the BPRS, a regional parkland located in unincorporated Bay Point. Consistent with prior planning efforts, the parkland will be managed to conserve natural resources, provide recreational opportunities, and improve public safety in the area. In addition, the LUP will restore and enhance up to 29 acres of sustainable wetlands and uplands habitat and shoreline access.

The BPRS project area consists of 51± acres of marsh, upland and a large J-shaped channel at the waterfront near the Bay Point community. The 2001 LUP includes marsh restoration and nature management designed to conserve and enhance the site and assist in the local recovery of special-status species. The LUP also includes a recreation/staging unit development component on 7± acres. The staging area includes shade structures, parking, a bus turnaround and restrooms. Recreational amenities in this area include picnic facilities, carry-in boat access to the channel, and trailheads for two trails, along with related utility infrastructure.

Since the project approval in 2001, some of the project components were constructed. To date, parking, bus turnaround, vault toilet, picnic facilities, electrical services, and the two trailheads have been constructed; components not yet implemented include shade structures, potable water, non-motorized watercraft launch, and the marsh restoration project and natural unit management elements. The EBRPD now proposes some modifications to the original plan, along with construction of the remaining components, including marsh restoration, two trails, a non-motorized watercraft launch, and a municipal sewer connection to upgrade the existing restroom.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the County, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as *a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's SOI is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The County's General Plan designation for the subject property is Parks and Recreation (PR) and the zoning is Planned Unit (P-1). The land uses in the area are park and recreation and the area provides access to the shorelines, trails and picnic facilities. The property is outside the ULL, and adjacent to and north of the parkland is marsh owned by the California State Lands Commission that is leased to the EBRPD. The Shore Acres/Bay Point neighborhood is south of the project site, McAvoy Harbor is east, and marsh owned by the federal government is west. There are no current Williamson Act Land Conservation Agreements within the project site, and the proposed SOI amendment and pending annexation will facilitate no changes in land use and would have no impact on agricultural land or open space lands.
2. ***The present and probable need for public facilities and services in the area*** – There is present and probable need for municipal sewer services to improve the restroom facility and enhance visitor experience.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves approximately 212,000 residents in a service area of 54± square miles. DD has over 49 miles of gravity sewer main, 14 miles of pressure force mains, and five pump stations.

The DD treatment plant has an average dry weather flow capacity of 19.5 million gallons per day (mgd). During the most recent reporting period (2016), the average dry weather flow was 12.3 mgd. In 2010, 2013, and 2014, the average dry weather flows at the plant were 13.4, 13.1 and 12.5 mgd, respectively.

The subject area is located in Zone 1 of DD's service area. DD estimates that the proposed flush toilets will generate approximately 220 gallons per day of wastewater discharge. DD indicates that it has adequate capacity to serve the restroom at the BPRS.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The BPRS is located in the unincorporated community of Bay Point. The community, visitors and users of the BPRS amenities are the communities of interest and will benefit from the enhanced facilities. The project is a high priority of the EBRPD to serve the outdoor recreation needs of the 4,020 neighborhood residents that live within a half mile of the project site, as there are no other parks with this half mile vicinity. The project serves as the waterfront for the Bay Point community. Outside this project, only one 12.3± acre park (Ambrose Park) serves the more than 24,000 residents of the unincorporated Bay Point community. Based on State criteria, Bay Point is a Disadvantaged Unincorporated Community (DUC).

5. ***Nature, location, extent, functions & classes of services to be provided*** – When adopting, amending, or updating an SOI for a special district, LAFCO shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

DD provides water resource recovery (wastewater collection) services for the unincorporated community of Bay Point, and the cities of Antioch and Pittsburg. DD also operates the Delta Household Hazardous Waste Collection Facility for residents in the eastern portion of the County.

Environmental Impact of the Proposal – The EBRPD, as Lead Agency, prepared a Mitigated Negative Declaration (MND) in 2001, and an Addendum in 2017. The Addendum specifically addresses annexation to DD and is adequate for LAFCO purposes.

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 actions:

- Option 1** Approve the proposed expansion of DD’s SOI as depicted on the attached map (Attachment 1).
- A. Determine that the EBRPD, as Lead Agency, prepared a Mitigated Negative Declaration (2001) and an Addendum (2017) to the MND.
 - B. Certify that LAFCO has reviewed and considered the information contained in these CEQA documents as prepared by the EBRPD.
 - C. Adopt this report and attached resolution (Attachment 2) amending DD’s SOI as described herein and shown on the attached map.

Option 2 Adopt this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDATION Option 1 – approve the SOI amendment.

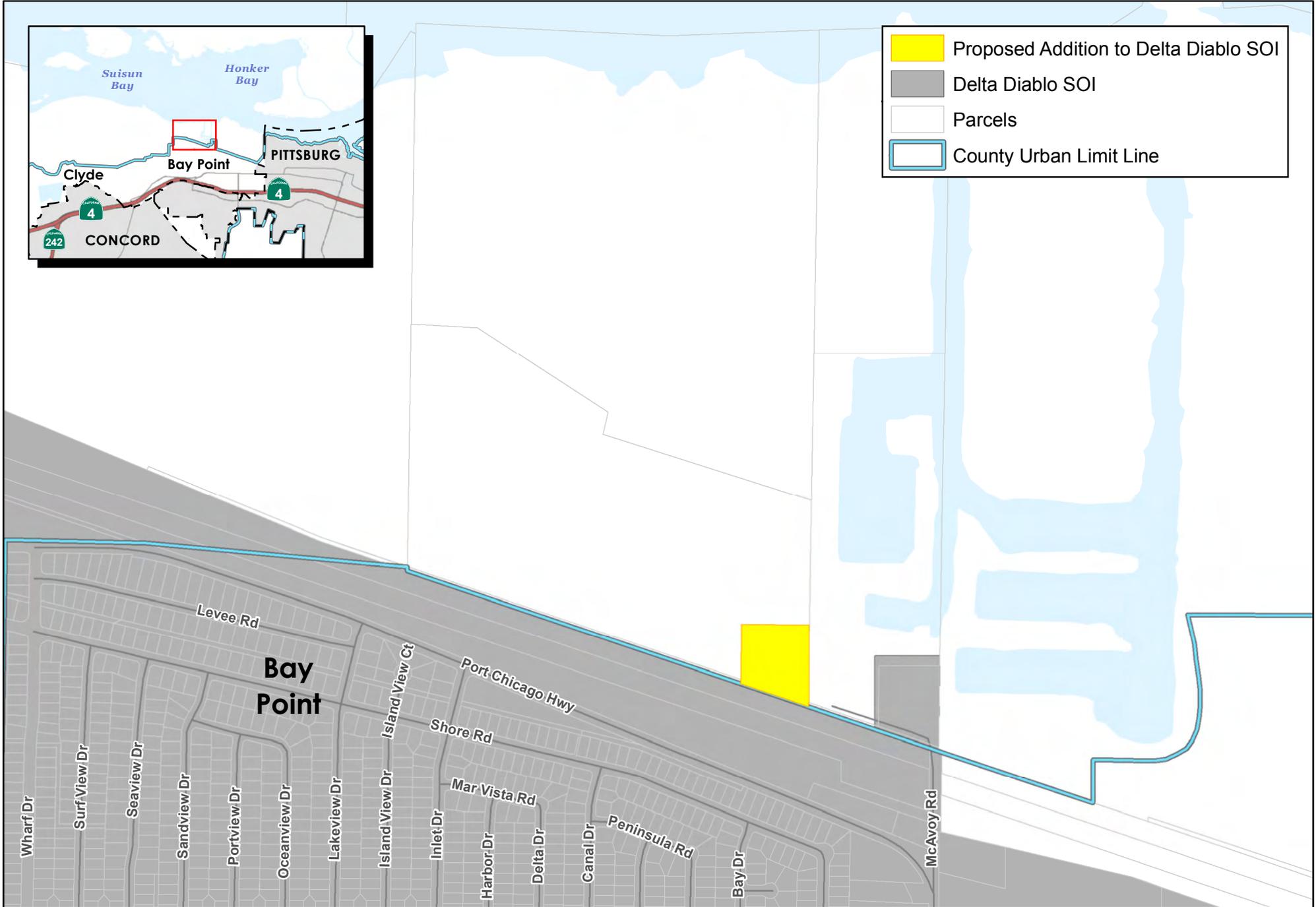
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments

- 1 - Map – Proposed DD SOI Amendment
- 2 - Draft LAFCO Resolution – DD SOI Amendment

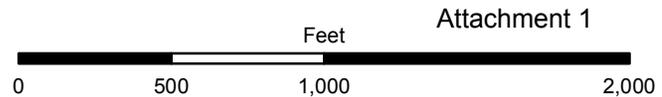
- c: Karla Cuero, Project Coordinator, EBRPD
Chris Barton, Programs Manager, EBRPD
Vince De Lange, General Manager, Delta Diablo
Patricia Chapman, Associate Engineer, Delta Diablo
Mark Seedall, Principal Planner, Contra Costa Water District

LAFCO No.17-14 - Delta Diablo SOI Amendment (Bay Point Regional Shoreline)



Map created 12/19/2017
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



SPHERE OF INFLUENCE RESOLUTION NO. 17-14

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
 OF DELTA DIABLO (BAY POINT REGIONAL SHORELINE)

WHEREAS, a proposal to expand the sphere of influence (SOI) of Delta Diablo (DD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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 proposal; and

WHEREAS, 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 recommendation, the environmental document or determination, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed expansion of DD's SOI to include a portion (2.58± acres) of Assessor Parcel Number (APN) 098-020-021 and a portion of APN 098-020-002 (0.16± acres) totaling 2.74± acres located at the end of McAvoy Road (Bay Point Regional Shoreline) in the unincorporated Bay Point community.
2. LAFCO, as a Responsible Agency under the California Environmental Quality Act (CEQA), has reviewed and considered information contained in the Lead Agency's (East Bay Regional Parks District) 2001 Initial Study/Mitigated Negative Declaration and 2017 Addendum, and finds that there are no new or additional direct or indirect environmental effects that would result from LAFCO's approval of the annexation other than those already disclosed in the referenced CEQA documents.
3. DD's SOI is hereby expanded to include the areas as shown on the attached map (Exhibit A).
4. DD's service is limited to serving the EBRPD's restroom.
5. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands.

The County's General Plan designation for the subject property is Parks and Recreation and the zoning is Planned Unit. The land uses in the area are park and recreation and the area provides access to the shorelines, trails and picnic facilities. There are no current Williamson Act Land Conservation Agreements within the project site, and the proposed SOI amendment will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

The present and probable need for public facilities and services in the area.

The purpose of the SOI change is to allow for the extension of municipal wastewater service to the EBRPD's restroom. There is present and probable need for wastewater service to improve the restroom facility and enhance visitor experience. The proposed SOI change will have no effect on public facilities or services.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

Current DD public facilities are adequate for the existing uses. No new development or growth is anticipated due to the existing use, land use designations, and that the property is outside the Urban Limit Line.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The Bay Point Regional Shoreline (BPRS) is located in the unincorporated community of Bay Point. The community, visitors and users of the BPRS amenities are the communities of interest and will benefit from the enhanced facilities.

The nature, location, and extent of any functions or classes of services provided by the existing district.

When adopting, amending, or updating an SOI for a special district, LAFCO shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

DD provides water resource recovery (wastewater collection) services for the unincorporated community of Bay Point, and the cities of Antioch and Pittsburg. DD also operates the Delta Household Hazardous Waste Collection Facility for residents in the eastern portion of the County.

PASSED AND ADOPTED THIS 18th day of April 2018, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

MICHAEL R. MCGILL, 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 above

Dated: April 18, 2018

Lou Ann Texeira, Executive Officer