

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

August 8, 2018

September 12, 2018
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Chair Mike McGill called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Roll was called. A quorum was present of the following Commissioners:

County Member Alternate Diane Burgis.

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

City Members Don Tatzin and Alternate Tom Butt.

Public Members Don Blubaugh and Alternate Charles Lewis.

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

3. Approval of the Agenda

Upon motion of Tatzin, second by Burgis, Commissioners approved the agenda by a vote of 6-0.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

4. Public Comments

There were no public comments.

5. Approval of July 11, 2018 Meeting Minutes

Upon motion of Blubaugh, second by Burgis, the July 11, 2018 meeting minutes were approved by a vote of 6-0.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

6. LAFCO 18-10 - City of Concord Out of Agency Service (Laurel Place II, Bailey Road/Myrtle Drive)

The Executive Officer presented this proposal by the City of Concord to provide municipal wastewater service to a 3.8-acre parcel located at the southwest corner of Bailey Road and Myrtle Drive in the unincorporated Ayers Ranch area, outside the City boundary but within the City's SOI and contiguous to the City boundary. The landowner is constructing 7 single family homes through the County. The City provides wastewater service in the area and indicates that it has adequate capacity to serve the property. Following completion of the project, the landowner will comply with LAFCO's condition that an annexation application be submitted in accordance with Contra Costa LAFCO policy.

Following brief discussion regarding the City of Concord's history with the Ayers Ranch area, and upon motion of Blubaugh, second by Tatzin, Commissioners, by a 6-0 vote, certified that it reviewed and considered the information contained in the CEQA documents; and authorized the City of Concord to extend municipal wastewater service outside its jurisdictional boundary to the 3.8± acre parcel at the southwest corner of Bailey Road and Myrtle Drive in the unincorporated Ayers Ranch area, subject to specified terms and conditions.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

DRAFT

7. LAFCO 18-06 – Chang Property Reorganization – Annexations to City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD), and Detachment from County Service Area (CSA) P-6

The Executive Officer provided background on this proposal to annex 67± acres to the City of San Ramon, CCCSD and EBMUD and detach the same area from CSA P-6. The proposed boundary changes will facilitate development of 43 single-family large lot homes, 18 accessory dwelling units, a tot lot and related facilities. The property is located at the intersection of Bollinger Canyon Rd and Crow Canyon Rd in unincorporated San Ramon, and includes a 61± acre portion of the 195± acre Chang parcel, plus the Mast parcel (0.44± acre) and Panetta parcel (2.5± acres).

The project site and surrounding areas are active grazing land. In order to mitigate for the loss of agricultural land, the landowner has agreed to preserve approximately 134± acres as permanent open space.

Staff addressed two areas not included in this application or the SOI amendments which was approved at the July meeting. A 4.4± acre portion of Crow Canyon Rd, which is a landscaped median and not in either CCCSD's or EBMUD's SOI or boundary, and a sliver of land south of Crow Canyon Rd and east of Pradera Way, which is in EBMUD's SOI/boundary but not in CCCSD's SOI/boundary, concerned the Commissioners, who requested that staff investigate these areas and report back on whether they should be included in this proposal. Neither of these areas will need sewer service; the Crow Canyon Rd area is already served by an EBMUD water meter and the smaller area is already in EBMUD's boundary. Staff noted that the Commission can approve the proposal as submitted, or condition its approval on a subsequent proposal to annex the 4.4± acre median strip.

Finally, staff noted that one of the three property owners opposes the boundary reorganization. On July 30, LAFCO received a letter from Mr. Panetta expressing his opposition to the annexation. Should the Commission approve the proposal, a protest hearing will be required.

Commissioners discussed the options regarding the two areas excluded from the proposal under consideration, and while they agreed that these areas need to be annexed, Commissioner Tatzin suggested it would make more sense to have staff ask the City of San Ramon to include them in a future annexation application, rather than trying to add them to this action. Additionally, Commissioner Tatzin noted that, in reviewing the application in light of LAFCO's Ag & Open Space Preservation Policy, the application is found compliant, and further, the amount of acreage being set aside for open space in this application is greater than anything being done elsewhere in the State.

Commissioners further discussed the open space designation, and it was noted that over 130± acres of the Chang parcel, which are outside the City's Urban Growth Boundary (UGB), will remain open space with a conservation easement, as noted in both the City's conditions of approval for the project and LAFCO's resolution.

Chair McGill opened the public hearing.

David Bowlby, representing Ms. Chang, the applicant, noted that the project also dedicates over 40± acres of land for open space within UGB, which will include a public trail system. He noted that currently the land outside the UGB is being grazed, and there will also be a Geological Hazards Abatement District (GHAD) that will manage the open space within the UGB.

Brian Winter, with Miller Starr Regalia, suggested that there could be a condition mandating fire protection maintenance, although he also said that San Ramon Valley Fire Protection District would in fact require fire hazard mitigation.

Cindy Yee, speaking for the City of San Ramon, confirmed that the City can take responsibility for the open space, both within and outside the UGB, and can also work with the County if necessary. She reiterated that the City's conditions of approval specify that an easement will be put in place.

Discussion ensued among Commissioners, the Chang property representative and city representatives regarding fire hazard prevention/protection as well as habitat and wildlife preservation. Related to this is

the question of who will have responsibility for these protection measures in perpetuity, and if it is possible to make that part of the LAFCO conditions.

Following the discussion, Commissioners agreed to approve the resolution with condition 5.d. amended as below; request that staff bring back further details on the easement in light of fire hazard mitigation and wildlife and habitat protection; and require that a draft grant deed of easement be brought to the Commissioners for approval before it is recorded and LAFCO Resolution 18-06 be subsequently recorded.

Amended condition 5.d. (changes in **bold**):

*The recordation of LAFCO's Certificate of Completion is conditioned on the owner(s) of the Chang property providing **the Commission** with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon **and/or another public agency or land trust** that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres (Parcel G on the project's Vesting Tentative Map 9458) that is outside of the urban growth boundary and designated for open space and agricultural uses, **and makes provision for fire prevention and habitat preservation**. This easement shall remain in effect in perpetuity, and shall be consistent with the conditions of approval imposed on the Chang property by the project's Vesting Tentative Map 9485 by the City of San Ramon.*

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 6-0 vote, certified that it reviewed and considered the information contained in the CEQA documents; approved the proposal known as Chang Property Reorganization: Annexations to City of San Ramon, CCCSD and EBMUD, and Detachment from CSA P-6 with specified conditions including amendments to condition 5.d.; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has less than 100% consent of the affected landowners, is subject to a protest hearing; and authorized LAFCO staff to conduct the protest proceedings.

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

8. LAFCO 18-08 - Dissolution of Rollingwood Wilart Park Recreation & Park District (RWPRPD)

The Executive Officer provided a brief background on this LAFCO initiated proposal to dissolve the RWPRPD, which was formed in 1956 to operate and maintain the Rollingwood Recreation Center. Following several LAFCO studies and a Grand Jury report, it became clear that the District was struggling with fiscal, administrative and governance issues. In 2016, the District closed its doors. The District is currently inactive and the recreation center is no longer serving the purpose for which it was established. LAFCO's 2017 special study of the District identified a number of governance options, the two most feasible being annexation of the Rollingwood community to the City of San Pablo and dissolution of the District and naming the County as successor.

In November 2017, the City of San Pablo, after considering a feasibility study of its own, notified LAFCO that they were not interested in annexing the area, but are interested in acquiring the recreation center. Subsequently, LAFCO and County staff discussed the option of dissolving the District and naming the County as successor, and the County was amenable. In January 2018, the Commission adopted a resolution initiating dissolution of the District.

Chair McGill opened the public hearing.

Lori Berry, a resident of Rollingwood, asked if this action will increase her family's taxes, and added that they never knew the recreation center could be rented. She was assured that her taxes will not increase as a result of the dissolution.

Staff further explained that the County, as successor to the building, could rent it to individuals, or to the City of San Pablo, or it could sell the building.

Lorraine Humes, with the Rollingwood Lutheran Church, noted that the recreation center has become the site of dumping and it is not being cleaned up. Is LAFCO in charge of this?

Staff responded that currently the District is in charge of maintaining the property, but assured Ms. Humes that the County will have more of a presence in the area immediately.

Chair McGill closed the public hearing.

Upon motion of Tatzin, second by Burgis, the Commissioners, by a 6-0 vote, approved the proposal known as Dissolution of Rollingwood Wilart Park Recreation & Park District; designated Contra Costa County as successor agency to RWPRPD; determined that the project is exempt pursuant to CEQA Guidelines Section 15320; found that the subject territory is inhabited and the proposal is subject to a protest hearing; and authorized LAFCO staff to conduct the protest proceedings.

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

9. Dissolution of Reclamation District (RD) 2121

The Executive Officer presented a summary of the LAFCO initiated proposal to dissolve RD 2121 (Bixler Tract) located in unincorporated East Contra Costa County, north of Discovery Bay and outside the ULL. Comprising 584± acres, with a population of 10± residents, agriculture is the predominant land use. The District was formed in 1984 to improve and maintain a levee system within the District. As a family-run operation that provides maintenance services to non-project levees and internal drainage and irrigation facilities, the District receives no property tax and relies solely on self-imposed assessments.

Several LAFCO studies identified issues with RD 2121's struggles with administrative, governance, financial and infrastructure matters. In January 2017, LAFCO received a letter from the State Controller's Office indicating that RD 2121 is an inactive district and should be dissolved. Also in 2017, SB 448 was enacted which provides an expedited process for dissolving inactive districts that meet specific criteria. RD 2121 meets these criteria.

A LAFCO subcommittee attempted to work with RD 2121 on a plan to become active, but after learning of the statutory requirements for remaining an independent special district, RD 2121 notified LAFCO earlier this year that the requirements place a burden on their small operation, and they can no longer remain an independent district.

Members of the subcommittee (Commissioners Burgis, McGill, and Skaredoff) agreed that, while they made every effort to help the District meet the requirements, it was ultimately the District's choice and they support that.

Chair McGill opened and closed the public hearing, there being no public in attendance.

Upon motion of Skaredoff, second by Butt, Commissioners, by a 6-0 vote, approved the proposal known as Dissolution of Reclamation District 2121; determined that the project is exempt pursuant to CEQA Guidelines Section 15320; found that the subject territory is uninhabited, meets the criteria of an inactive district pursuant to GC §56042 and waived the protest proceedings pursuant to GC §56879.

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

10. "City Services" MSR/SOI Update

The Executive Officer updated Commissioners on progress that has been made on the current 2nd round "City Services" MSR, covering all 19 cities and four of the six CSDs. Both Ms. Teixeira and the consultant have been in close contact with the city managers and district managers numerous times since the kick-off

meeting on May 10th. As of August 8th, LAFCO has received full or partial responses from 17 of the 19 cities. Staff also summarized concerns raised by the Hercules City Manager and staff's response.

Commissioner Tatzin commended staff on the progress made.

11. Correspondence from CCCERA

There were no comments on this item.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he attended a meeting of the CALAFCO Board on July 20, the CALAFCO Ad Hoc Finance Committee on August 3, and there will be another CALAFCO Ad Hoc Finance Committee meeting on August 13, and a special CALAFCO Board meeting on August 17.

Commissioner Butt read an email regarding a large parcel of land given to the City of Richmond that the city is now responsible to maintain.

13. Staff Announcements

The Executive Officer reported that Governor Brown has signed SB 522, Senator Steve Glazer's bill to change West Contra Costa Healthcare District's board from an elected to appointed one. They are still working on AB 2258 (Caballero), which provides grant funding for LAFCOs to dissolve inactive districts; it's set for an August 13 hearing. Also, SB 1215 (Hertzberg) continues to progress. And the three CALAFCO supported validation bills (SB 1496, 1497, and 1499) were signed by the Governor. The next Legislative Committee conference call meeting is scheduled for August 17.

The meeting adjourned at 3:23 p.m.

Final Minutes Approved by the Commission September 12, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer