



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 313-7133

Lou Ann Teixeira  
Executive Officer

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Public Member

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City Member

June 10, 2020 (Agenda)

June 10, 2020  
Agenda Item 13

Contra Costa Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

**Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Magee Preserve Boundary Reorganization**

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On May 26, 2020, Contra Costa LAFCO received a resubmittal application for the *Magee Preserve Boundary Reorganization: Annexations to Central Contra Costa Sanitary District (CCCSd) and East Bay Municipal Utility District (EBMUD)*. The application was originally submitted in 2014; however, due to a legal challenge related to the bicycle safety element of the Town of Danville's Environmental Impact Report, the LAFCO process was halted. Subsequently, a new developer – Davidon – assumed the project and the Town of Danville adopted a new EIR. The project was then submitted to the voters on March 3, 2020 and was approved (54% YES, 46% NO).

The project site is 410± acres, located in Town of Danville on the south side of Diablo Road and Blackhawk Road (Attachment 1). The developer proposes to subdivide the property into 69 single family lots on 30 acres. In accordance with the Town's affordable housing ordinance, a minimum of 10% of the homes will include second dwelling units. The remaining 380 acres will be preserved as permanent open space.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for this proposal would greatly simplify processing.

**RECOMMENDATION** – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

Sincerely,

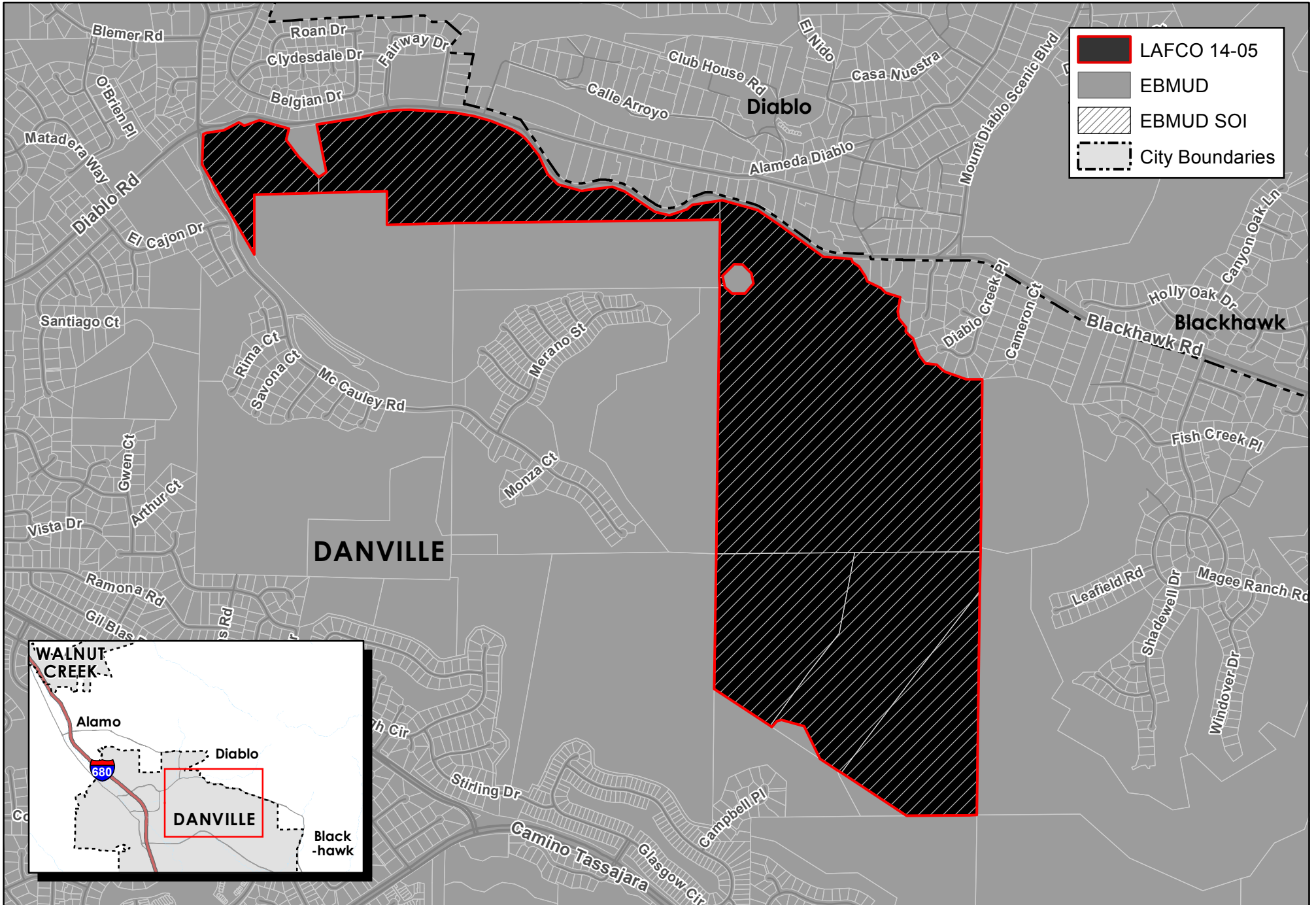
LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – Project Site Map

Attachment 2 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO  
Jack Flynn, EBMUD  
Russ Leavitt, CCCSD  
Steve Abbs, Davidon Homes

# LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to East Bay Municipal Utilities District





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June 10, 2020

Rachel Jones, Executive Officer  
Alameda LAFCO  
224 West Winton, Suite 110  
Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received resubmittal of the 2014 *Magee Preserve Boundary Reorganization: Annexations to Central Contra Costa Sanitary District (CCCSD) and to East Bay Municipal Utility District (EBMUD)*. The project site consists of 410± acres, 30± acres of which will become a 69-lot single family subdivision; and the remaining 380± acres will be preserved as permanent open space.

The site is located in the Town of Danville on the south side of Diablo Road and Blackhawk Road as shown on the attached map.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on June 10, 2020 at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your July 9, 2020 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

**LOU ANN TEXEIRA**  
EXECUTIVE OFFICER

Attachment - Map

c: Steve Abbs, Davidon Homes  
Russell Leavitt, CCCSD  
Jack Flynn, EBMUD