

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2024
Agenda Item 5

July 10, 2024 (Agenda)

LAFCO 24-02 Annexations to East Bay Municipal Utility District (EBMUD) and West County Wastewater District (WCWD) – Castro Ranch Road - El Sobrante

APPLICANT Edwad Knapp - Landowner/Applicant

SYNOPSIS The applicant proposes to annex one parcel (APN 432-040-004-9) to EBMUD and WCWD. The parcel totals 98± acres and is located on Castro Ranch Road in unincorporated El Sobrante - see attached map (Exhibit A).

The purpose of the proposal is to allow for the extension of municipal water and wastewater services to serve one proposed single-family home and support small scale farming (i.e., bees, chickens, goats).

BACKGROUND

In March 2024, the landowner applied to Contra Costa LAFCO to annex the subject property to EBMUD and WCWD. Included with the application was a request that Alameda LAFCO transfer jurisdiction to Contra Costa LAFCO to process the application. Alameda is the principal county for LAFCO proceedings related to EBMUD matters. The “principal county” for LAFCO proceedings is the county having the greatest portion of the assessed value, as shown on the last equalized assessment roll, of all taxable property within the district. [Government Code (GC) §56066].

On April 10, 2024, Contra Costa LAFCO submitted a request to Alameda LAFCO to transfer jurisdiction to Contra Costa LAFCO, and on May 9, 2024, Alameda LAFCO approved the request.

DISCUSSION

Government Code (GC) §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission’s review, 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 (SOI) of Any Local Agency:

The subject parcel is within the EBMUD and WCWD SOIs. Neither EBMUD nor WCWD oppose the proposed annexation.

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

The subject parcel is currently vacant. The County General Plan designation for the subject parcel is *Agricultural Land* (AL) and the County zoning designation is *General Agricultural* five acre minimum (A-2). The parcel is outside the Contra Costa County Urban Limit Line.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands and Open Space Lands:

The parcel is currently vacant. Physical evidence suggests the lot was used as a cattle pasture many years ago and has been vacant for several decades. There are fire trails on the property which are in need of maintenance. The subject parcel is not under a Williamson Act contract, nor are the surrounding parcels.

4. Topography, Natural Features and Drainage Basins:

The subject parcel is located in unincorporated El Sobrante. The parcel is in a mountainous (sloping) terrain with elevations that vary from approximately 260 feet to 320 feet above mean sea level along the northern boundary near Castro Ranch Road, and from approximately 640 feet to 760 feet above mean sea level along the southern border. The applicant reports that during heavy rain, runoff from the subject property has impacted Castro Ranch Road.

5. Population:

The estimated population increase is approximately 2.87 persons per household (owner) and 2.37 persons per household (renter) based on the US Census Bureau, American Community Survey 5-year estimates, 2016-2020.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider 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. The proposed boundary reorganization annexation will have no effect on regional housing needs.

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

In conjunction with a boundary reorganization application, the applicant must submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is available in the LAFCO office at 40 Muir Road, Martinez. The plan includes the following information and additional information required by the Commission or the LAFCO Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The reorganization area is currently within the service boundaries of various local agencies including, but not limited to, Contra Costa County, Contra Costa Fire County Protection District, various school districts, and other local and regional agencies.

8. Timely Availability of Water and Wastewater Services:

The proposal includes annexations to EBMUD for the provision of water services and WCWD for the provision of wastewater services. Pursuant to the CKH, LAFCO must consider the timely and available supply of water and wastewater services in conjunction with boundary change proposals. Regarding water service,

Regarding *water service*, Contra Costa LAFCO policies provide that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

EBMUD provides potable water services and limited wastewater collection and treatment services in Alameda and Contra Costa counties. The EBMUD service area in Contra Costa County is approximately six square miles and has approximately 159,000 accounts (water service) covering 232± square miles within Contra Costa County. EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply.

EBMUD's existing water rights allow the delivery of up to 325 million gallons per day (GPD) or approximately 364,037 acre-feet per year of water from the Mokelumne River. EBMUD's water rights are subject to variability, particularly during dry and multiple dry years. The availability of the Mokelumne River runoff is subject to senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses. Given the variability, EBMUD indicates that supplemental water supply sources are needed to meet future water demand during extended periods of drought.

The Freeport Regional Water Facility, located along the Sacramento River between Sacramento and the town of Freeport, is a regional water supply project that provides supplemental water supply to EBMUD during dry years. During periods of drought, EBMUD receives Central Valley Project (CVP) water from the Freeport Regional Water Facility to augment EBMUD's water supply. The U.S. Bureau of Reclamation (USBR) provides supplemental water supply during dry and multiple dry years to ensure the reliability of EBMUD's water supply. In conjunction with the request to annex the property, EBMUD must seek approval from the USBR for inclusion. Also, the District may be required to obtain approval to update the District's Place-in-Use with the California Water Resources Control Board (SWRCB). To initiate the review and approval process with the USBR and SWRCB, the landowner must enter into an agreement with EBMUD to reimburse the District for all fees levied by these agencies.

The water services for the subject property would connect to the future house within 100-200 feet of the existing sewage and water access points near the road. EBMUD's standard water lateral size is 1.5 inches. EBMUD will work with the landowner to determine water demand and capacity. Specific water infrastructure will be determined when the landowner applies to EBMUD for service. EBMUD staff provided a will serve letter indicating that municipal water service will be available following annexation and inclusion into EBMUD's and USBR's CVP service area agreement (Attachment 1).

Regarding wastewater serves approximately 34,000 residences and 2,500 commercial and industrial businesses, with a population of approximately 102,000 including the cities of Pinole, Richmond, and San Pablo, and the unincorporated areas of East Richmond Heights, Bayview, El Sobrante, Rollingwood, and Tara Hills within a 16.9± square mile service area.

WCWD owns, operates, and maintains a wastewater collection system with approximately 252 miles of gravity sewer pipelines, 17 lift stations, six miles of force mains, and a Water Quality and Resource Recovery Plant with a capacity of 12.5 million gallons GPD, average dry weather flow.

Regarding infrastructure needed to serve the subject area, a WCWD sewer main is located south of Castro Rancho Road and on the subject property. A sewer lateral will be constructed on the parcel to connect to the nearest WCWD sewer main. The landowner will complete construction necessary to connect to WCWD's collection system. The landowner is responsible for paying all fees and costs for infrastructure improvements.

9. Assessed Value, Tax Rates, and Indebtedness:

The annexation area is within tax rate area 85111. The total assessed value for the annexation area is \$1,166,600 (2023-24 roll) as of July 1, 2023. The subject territory shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies. WCWD will rely on the master tax transfer agreement for this annexation.

9. Environmental Impact of the Proposal:

The proposed annexation of the subject parcel is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§15303(a) and (d) as a utility extension to serve one to three single-family residences.

10. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are zero registered voters on the subject property; thus, the area proposed for annexation is, by statute, considered uninhabited. The property owner/applicant consents to the proposed annexation. Therefore, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662).

All landowners within 300 feet of the exterior boundary of the subject parcel were sent notice of the LAFCO hearing.

11. Boundaries and Lines of Assessment:

The property proposed for annexation is within both EBMUD's and WCWD's SOIs. A map and legal description to implement the proposed boundary reorganization were received and are subject to final approval by the County Surveyor.

12. Environmental Justice:

LAFCO is required to consider the extent to which proposals for changes of organization or reorganization 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 annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

13. Disadvantaged Communities:

In accordance with State legislation, 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 annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

14. Comments from Affected Agencies/Other Interested Parties:

As of this writing, no comments were received from other affected agencies or parties.

15. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to GC §65080 [GC §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials, formally representing their local jurisdictions in an official capacity on a regional or sub-regional basis (GC §56668.5). Regarding these sections, LAFCO

looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375 requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in July 2013, adopted Plan Bay Area as the "*Regional Transportation Plan and Sustainable Communities Strategy*" for the San Francisco Bay Area through 2040. *Plan Bay Area* focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and plan sufficient housing for the region's projected population over the next 25 years.

In October 2021, ABAG and MTC adopted *Plan Bay Area 2050*, which serves as the Bay Area's official long-range plan for housing, economic development, transportation, and environmental resilience for the next four years. While prior iterations of *Plan Bay Area* focused on transportation and housing, the 2050 plan expands the scope introducing strategies for long-term economic development and environmental resilience, while meeting federal and state requirements. This proposal is consistent with *Plan Bay Area*.

ALTERNATIVES FOR COMMISSION ACTION

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

RECOMMENDED ACTION: Approve Option 1

Option 1 Approve the boundary reorganization as proposed.

- A. Find that the project is exempt from CEQA pursuant to §§15303(a) and (d) of the CEQA Guidelines.
- B. Adopt this report, approve LAFCO Resolution No. 24-02 (Attachment 3), and approve the proposal, to be known as *Annexations to East Bay Municipal Utility District and West County Wastewater District – Castro Ranch Road - (unincorporated El Sobrante)* subject to the terms and conditions in Resolution No. 24-02.

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: Approve Option 1

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

Attachments

1. EBMUD Will Serve Letter
2. Draft LAFCO Resolution 24-02

Exhibit

- A. Annexation Map – Castro Ranch Road Property

c: Edward Knapp, Landowner
Kristina Nelson
Jack Flynn, EBMUD
Armondo Hodge, WCWD



July 6th, 2023

Via Electronic Mail

edward.m.knapp@gmail.com

krstnm.nlsn@gmail.com

To: Edward Knapp

Re: Castro Ranch Property
APN: 432-040-004-9

Dear Edward Knapp:

Water service to the subject property will be available contingent upon evidence of annexation to the East Bay Municipal Utility District (District) and compliance with the District's regulations governing water service and Schedule of Rates and Charges, which may include water main extensions and/or off-site pipeline improvements at the applicant's expense. The District's Regulations and Schedule of Rates and Charges can be found at www.ebmud.com. Since the property to be served is outside the District's service area, U.S. Bureau of Reclamation (USBR) approval will be required for inclusion to the District's Central Valley Project Contractor Service Area. Furthermore, an update to the District's Place-in-Use with the California State Water Resources Control Board (SWRCB) may also be necessary. At the applicant's expense, the District will seek approval from the USBR and SWRCB once the annexation proposal is approved by LAFCO.

If you have any questions, please contact our office at (510) 287-1008.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jack Flynn', is written over a horizontal line.

Jack Flynn
Manager of New Business
East Bay Municipal Utility District

RESOLUTION NO. 24-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATIONS TO EAST BAY MUNICIPAL UTILITY DISTRICT AND WEST
COUNTY WASTEWATER DISTRICT – CASTRO RANCH ROAD**

WHEREAS, the above-referenced proposal was filed with the Executive Officer of the Contra Costa Local Agency Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (§56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

WHEREAS, at the time and in the manner required by law, the Executive Officer gave notice of the Commission’s consideration of the proposal; and

WHEREAS, the Executive Officer reviewed available information and prepared a report including her recommendations therein, and the report and related information were presented to and considered by the Commission; and

WHEREAS, at a public hearing held on July 10, 2024, 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 recommendations, the environmental documents and determinations, applicable General and Specific Plans, consistency with the spheres of influence, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the subject area object to the proposal; and

WHEREAS, the applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenge the annexation; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Contra Costa County and the City of San Ramon.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. The Commission, as Lead Agency, found the project exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§15303(a) and (d) as a utility extension to serve one to three single-family residences.
2. Annexations to East Bay Municipal Utility District and West County Wastewater are hereby approved.
3. The subject parcel is assigned the following distinctive short-form designation:

ANNEXATIONS TO EAST BAY MUNICIPAL UTILITY DISTRICT AND WEST COUNTY WASTEWATER DISTRICT

4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject area shall be liable for any authorized or existing taxes, charges, and assessments currently being levied on comparable properties within the annexing agencies.
6. The subject area is uninhabited.
7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
8. All subsequent proceedings in connection with this annexation 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 10th day of July 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CHARLES R. LEWIS, IV, CHAIR, CONTRA COSTA LAFCO

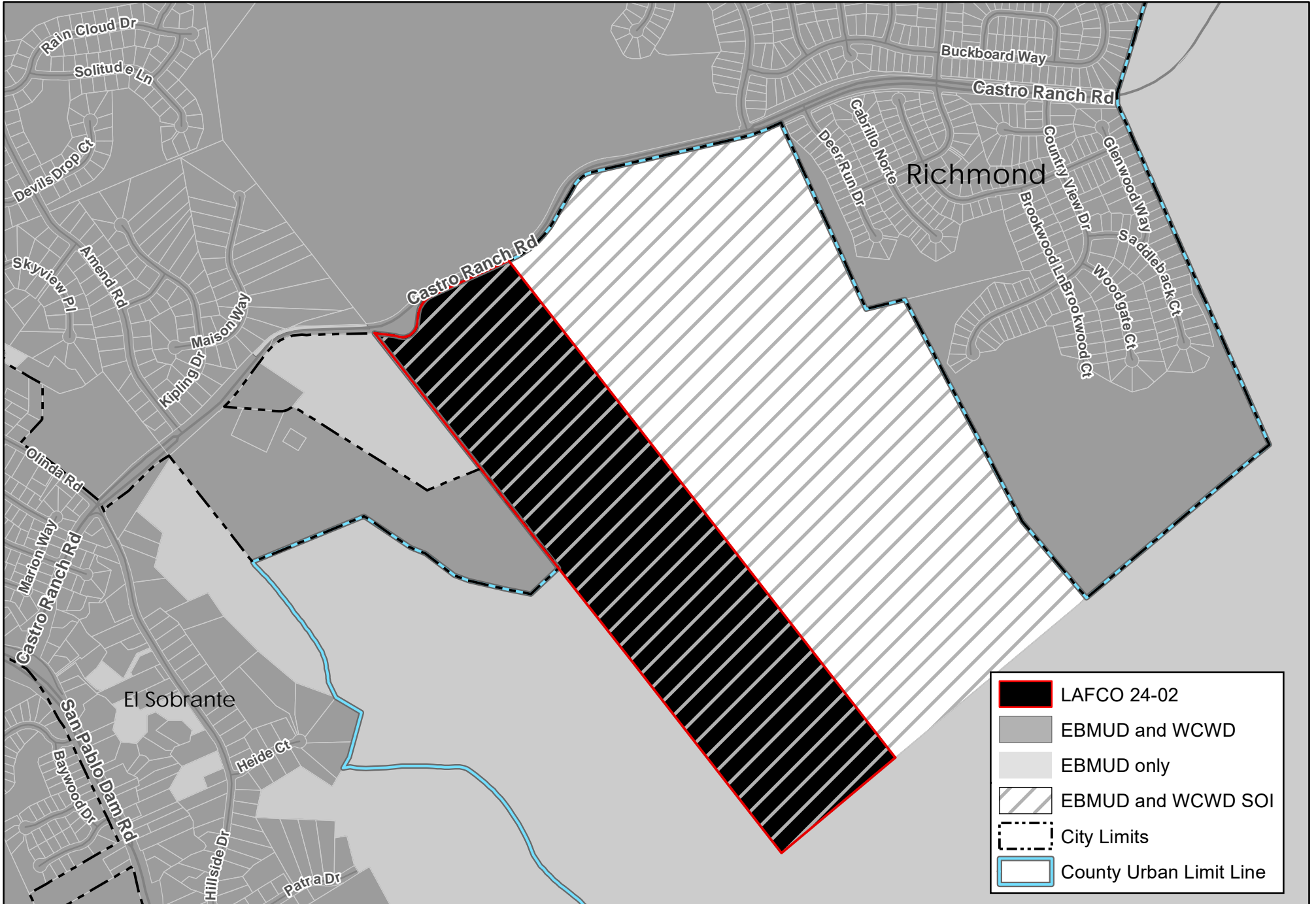
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: July 10, 2024

Lou Ann Texeira, Executive Officer

Attachment 2

LAFCO 24-02: Annexations to East Bay Municipal Utility District and West County Wastewater District – Castro Ranch Road



	LAFCO 24-02
	EBMUD and WCWD
	EBMUD only
	EBMUD and WCWD SOI
	City Limits
	County Urban Limit Line

Map created 06/14/2024
 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.

